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Report of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas, submitted pursuant to Council resolution 30/13.

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I. Introduction

1. The open-ended inter-governmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas, established by Human Rights Council resolution 21/19, has a mandate to negotiate, finalize and submit to the Council a draft declaration on the rights of peasants and other people working in rural areas. In its resolution 30/13, the Council decided that the working group should hold its next two annual sessions before the thirty-sixth session of the Council and requested the working group to submit progress reports to it. The present report was prepared pursuant to that request.

2. The fourth session of the working group, held from 15 to 19 May 2017, was opened by a representative of the Office of the United Nations High Commissioner for Human Rights, who commended the leadership and openness of the Chair-Rapporteur of the third session in addressing the suggestions and concerns on the revised draft declaration (A/HRC/WG.15/4/2). She stressed that it was urgent to address the situation of peasants and other people working in rural areas, many of whom were hoping that the discussions of the working group would promptly result in a final, robust and consensual declaration.

II. Organization of the session

A. Election of the Chair-Rapporteur

3. At its fourth session, the working group elected Nardi Suxo Iturry (Plurinational State of Bolivia), as its Chair-Rapporteur, on the nomination of the Group of Latin American and Caribbean Countries, represented by Jamaica.

B. Adoption of the agenda and organization of work

4. The agenda was adopted (A/HRC/WG.15/4/1).

5. The Chair-Rapporteur explained the modalities of the debate and noted that one of the objectives of the session was to dispel any remaining doubts on the provisions of the draft declaration with a view to reaching consensus on as many articles as possible.

6. The Chair-Rapporteur stated that the draft declaration would be read article by article and asked participants to provide specific wording to improve the text.

C. Opening statements

7. A statement reaffirming support for the process was delivered on behalf of the Director General of the Food and Agriculture Organization of the United Nations (FAO), who referred to global initiatives relevant to peasants' rights, including the United Nations Decade of Action on Nutrition, proclaimed in 2016. He highlighted that the draft declaration was directly linked to the most relevant principles and guidelines adopted by the Committee on World Food Security and FAO, as well as to the global goals of achieving zero hunger and the 2030 Agenda for Sustainable Development.

8. The Chair-Rapporteur recalled the developments that had taken place and the meetings she had held with various stakeholders since the third session, held in May 2016.

III. Panel discussion

9. The Chair-Rapporteur invited seven experts to contribute to the process: Shivani Chaudhry, Priscilla Claeys, José Esquinas, Mamadou Goïta, Christophe Golay, Anuradha Mittal and Ana Maria Suarez Franco. In a panel discussion, the experts spoke of how the

declaration would address challenges such as poverty, climate change and land privatization and of how it would fill the existing gap in international law.

IV. General statements

10. Tunisia, on behalf of the African Group, expressed support for the mandate of the working group. The representative stressed that peasants had suffered historic and persistent discrimination in many countries and that it was necessary to address the normative gaps in international human rights law.

11. South Africa affirmed the importance of elaborating norms and standards on a range of important thematic issues included in the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development. The representative reaffirmed its support and eagerness to engage constructively in the process.

12. The European Union highlighted the importance it attached to the rights of persons living and working in rural areas and the support they received from European Union policies, including through development assistance. Some concerns about the draft declaration remained. Since the declaration was not legally binding, it could not create new rights.

13. El Salvador, on behalf of the Community of Latin American and Caribbean States (CELAC), acknowledged the contribution of peasants and traditional agriculture to the environment, a contribution that had also been recognized in the 2030 Agenda for Sustainable Development and General Assembly resolution 66/222, in which 2014 was declared the International Year of Family Farming.

14. The Bolivarian Republic of Venezuela, on behalf of the Movement of Non-Aligned Countries, welcomed the negotiations on the draft declaration, a process that had been supported by participants in the Seventeenth Summit of Heads of State and Government of the Movement. The shift towards sustainable agriculture, improved agriculture management and support for family farming and smallholder famers was crucial in developing countries.

15. Japan reserved its position on the draft declaration as a whole, as it believed it was inappropriate to include points that were immature and that had not yet been recognized as human rights by the international community. It would be more effective to make use of existing mechanisms.

16. Nicaragua endorsed the statements of CELAC and the Movement of Non-Aligned Countries and highlighted the importance of defending the rights of peasants, who were key members of a fundamental sector of society.

17. Ethiopia highlighted that peasants were the cornerstone of development and reiterated its support for the draft declaration, which could be an important instrument for development.

18. Mexico noted that the draft declaration put peasants in a separate category and that the rights in the text had already been codified in other international human rights instruments. The document duplicated efforts and did not help with the proper implementation and systematization of international human rights law.

19. Argentina welcomed the Chair-Rapporteur's open and constructive spirit and noted that several of its suggestions had been taken into account. Doubts were expressed on some concepts. The gender aspect and the role of women peasants in the current text were highlighted as positive.

20. Guatemala viewed the working group as an excellent opportunity to explore ways of improving the situation of those working in rural areas. An inclusive consultation process was under way at the national level to provide comments to the declaration. At the current stage, Guatemala was not in a position to support the draft and reserved its position on the whole text.

21. Egypt expressed support for the mandate of the working group and stated that a special instrument was needed to promote and protect the human rights of peasants that

took into consideration national laws, i.e. recognition of their contribution to development and in accordance with universally agreed and recognized human rights as stipulated in international human rights law.

22. Chile highlighted that, while the new text was an improvement, it still required national and intersectoral consultation. The comments of Chile would be in line with its previous ones.

23. Brazil emphasized that the negotiation of the declaration was one of many efforts being made to draw attention to peasants. The draft declaration should not oppose or criticize agribusiness, whose practices should also be consistent with human rights. Brazil would contribute to the conclusion of a balanced draft declaration, consistent with international law.

24. Peru stated that the text should take into account the specificities of different legal systems, in particular regarding sovereignty over natural resources, which could not be exercised by a particular group. Peru was ready to work towards reaching the necessary consensus on that subject and other matters with a view to finalizing the draft declaration as soon as possible.

25. The Russian Federation emphasized that it had supported the resolutions establishing the working group. The practice of translating specific standards for a group, such as indigenous peoples, to the situation of peasants should be done with great care and the granting of additional rights should not violate the rights of others.

26. India highlighted that the draft declaration contained multiple rights that had been borrowed from existing treaties and conventions and that discussions on substantive rights must focus on existing norms.

27. Switzerland welcomed the new draft and stressed that the priority remained the implementation of existing instruments, for example the International Treaty on Plant Genetic Resources for Food and Agriculture (art. 9, on the rights of farmers). Addressing the needs and challenges that peasants faced could be done through an inclusive process and respecting a human rights-based approach.

28. Malaysia aligned itself with the statement of the Movement of Non-Aligned Countries. The important contributions to the national economy made by peasants and small-scale farmers were highlighted, as was the need for an environment in which they could thrive, in a context of global competition.

29. The Plurinational State of Bolivia stated that the declaration was necessary to address problems like malnutrition and lack of access to seeds, among other concerns identified in the study of the Human Rights Council Advisory Committee.

30. Ecuador emphasized the solidity of the draft declaration, which was based on over 50 instruments, resolutions and International Labour Organization (ILO) conventions. The protection of human rights through international instruments had been subject to constant evolution, allowing more attention to be paid to some groups that had been overlooked.

31. Cuba highlighted that a declaration could contribute to solving rural, environmental and food problems and emphasized the need to recognize new rights and increase protection of existing rights.

32. The Bolivarian Republic of Venezuela highlighted that many studies had emphasized the need for a declaration on the rights of peasants. Extreme poverty, the primitive nature of agricultural techniques and contemporary forms of slavery, among others, pointed towards the need to support the drafting of an instrument on that subject. The principles of the Charter of the United Nations must be reflected in the draft declaration.

33. Uruguay emphasized that the draft declaration was not a case of creating new rights but of making sure that people working in rural areas could enjoy all human rights on an equal footing.

34. Kenya supported the draft declaration because its objectives were part of the many solutions needed in the complicated realm of agriculture. The declaration would address the

pressing challenges faced by peasants, including the fact that prices for their produce were too low, poor agricultural infrastructure, housing and health rights.

35. Panama expressed support for the process, which was an effective way to fight poverty. It committed itself to contributing to the efforts made and would make comments on some articles.

36. ILO noted that the draft should be modified to better reflect international standards on the prohibition of child labour, the work of ILO and the common objectives set in the 2030 Agenda, in particular Sustainable Development Goals 2 and 8.

37. Global Women's March highlighted the vulnerable situation of women peasants. The declaration would be crucial in helping to address their situation.

38. La Via Campesina (Europe) expressed concerns about the European Union position and stressed the need to revisit areas of progress in the working group. It was important to ensure security and access to resources for those living off the land.

39. La Via Campesina (Africa) drew attention to the need to strengthen international instruments. The adoption of a declaration would send a strong political message that peasants were critical to the future of humanity and increase their visibility.

40. The World Forum of Fisher Peoples underscored the need for a comprehensive instrument upholding the collective human rights of peasants, pastoralists and others.

41. The International Indian Treaty Council was encouraged by the new draft declaration, which was clearly underpinned by human rights standards. It expressed concern by States' statements that did not recognize the collective rights of peasants.

42. La Via Campesina (Palestine) emphasized the need to protect access to seeds and land as a fundamental part of peasants' lives. The representative highlighted how both seeds and land were now subject to speculation.

43. The World Alliance of Mobile Indigenous Pastoralists observed that pastoralism was being threatened by the forced industrialization of livestock farming and that its very identity was being eroded. Pastoralists had a right to live a nomadic lifestyle.

44. La Via Campesina (North America) emphasized the importance of representing migrant and seasonal workers and highlighted that many young people no longer wanted to work in rural areas and that the draft declaration fuelled the hopes of young people.

45. Centre Europe—Tiers Monde observed that the declaration reflected agreed language and regarded the text as mature, with a coherent set of provisions. It was time for adoption.

46. Other civil society organizations observed that the international existing human rights framework had an urban bias that needed to be corrected to ensure universality. Norms were dispersed over several instruments and were fragmented. There were normative gaps in the rights to water for agriculture, seeds and land.

47. The International Union of Food Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations (IUF) stated that the exploitative situation of rural workers needed to be clearly addressed in the substantive articles.

V. Reading of the draft declaration

A. Articles 1-4

1. Article 1

Paragraph 1

48. Guatemala expressed concern that the definition of "peasant" was based on the economic activity of a group and did not include the element of poverty affecting peasants. Clarifications were sought on the meaning of "attachment to the lands" and "rural areas".

Guatemala was of the view that collective rights had been recognized only in the context of self-determination.

49. South Africa suggested including in the definition the term "small-holder production" and a reference to others who also lived in rural areas, such as children who did not work. ILO suggested inserting a reference to children.

50. The International Network of Human Rights suggested including in the definition other workers in rural areas, such as those engaged in agritourism and peasants engaged in mining. Other civil society organizations suggested including sharecroppers and tenant farmers, who were very vulnerable to eviction.

51. Centre Europe—Tiers Monde recalled that article 1 was based on text adopted by States at FAO. It also resulted from consultations with persons who were directly concerned and had become vulnerable due to globalization.

52. Regarding the phrase "alone, or in association with others or as a community", Mr. Golay explained that the word "or" provided for different possibilities and specified that recognition of collective rights for groups other than indigenous peoples featured, among others, in the 2012 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security endorsed by the Committee on World Food Security.

Paragraph 3

53. Colombia suggested deleting paragraph 3, arguing that it would discriminate against minorities, for example people of African descent. Guatemala too suggested deleting the paragraph. Ecuador indicated that the paragraph could be strengthened through the inclusion of other groups. The Programme on Women's Economic, Social and Cultural Rights suggested adding Dalits to the list.

Paragraph 4

54. The European Union and Tunisia suggested adding "and as defined by national legislation". Switzerland underlined that migrant and seasonal workers needed legal authorization before taking up work.

55. Jordan reserved its position on paragraph 4, especially regarding the reference to "migrant and seasonal workers, regardless of their legal status".

56. ILO expressed support for paragraph 4 and referred to the underreporting of the number of waged rural workers. With IUF concurring, it suggested replacing "hired workers, and" with "hired workers, including".

57. Ecuador, with the Philippines concurring, observed that the intention of the declaration was to enable aspirations to prevail over local legislation and added that those without legal status were particularly vulnerable.

2. Article 2

58. Guatemala shared some of the reservations expressed by other States. More generally, it mentioned that there was a conflict between the text, which mentioned the obligations of States, and its status as a non-binding document.

59. The Russian Federation noted that article 2 addressed a number of sensitive questions, such as extraterritorial application, and that it was unable to support the current version.

60. The European Union, with Colombia concurring, restated that "people" should be replaced by "persons" throughout the article. Egypt indicated that "people" should be maintained where appropriate, for consistency with the title of the draft declaration and the relevant Human Rights Council resolutions.

Paragraph 1

61. The European Union proposed deleting "both", "and extraterritorially" and "other appropriate" from the first sentence.

62. Switzerland recommended that the wording of paragraph 1 should be more similar to that of article 2 (1) of the International Covenant on Economic, Social and Cultural Rights. South Africa agreed with Switzerland on the reference to achieving "progressively the full realization", as that language accorded with the Covenant. South Africa, with the Russian Federation concurring, suggested deleting "the elements of".

63. Chile requested clarification on the practical implementation of paragraph 1 as regards extraterritorial application, as did Brazil, Colombia, Egypt, Guatemala, India, the Philippines, the Russian Federation and Uruguay. Argentina suggested adding "in line with the domestic legal order of each State". Ecuador indicated that extraterritorial protection of human rights was feasible. Guatemala asked that progressive and immediate obligations be clarified.

64. Ecuador requested that the Spanish translation, which did not refer to extraterritorial jurisdiction, be aligned with the English version.

65. The Programme on Women's Economic, Social and Cultural Rights suggested deleting "that cannot be immediately guaranteed".

66. The experts explained that article 2, in its entirety, was based on existing law and that the draft declaration provided guidelines on its implementation for peasants and other people working in rural areas.

67. Jordan reserved its position on paragraph 1.

Paragraph 2

68. Mexico noted that paragraph 2 should clearly address multiple forms of discrimination.

Paragraph 3

69. The European Union proposed replacing "shall" with "should" and deleting "in order to obtain the free, prior and informed consent of peasants and other people working in rural areas".

70. Switzerland asked how the concept of free, prior and informed consent, typically applied to indigenous peoples, could be applied to people working in rural areas. Uruguay asked questions to understand better paragraph 3.

71. South Africa was supportive of the principle of free, prior and informed consent and underscored its relevance in the context of the regulation of transantional corporations and development projects.

72. While recognizing the duty to consult, Mexico did not agree that it should be applied to all government decisions. As currently framed, the paragraph could negatively affect the rights of indigenous peoples and should be more specific.

73. Guatemala disagreed with the formulation of paragraph 3, arguing that it might undermine the rights of indigenous peoples.

74. The Russian Federation noted that free, prior and informed consent was still subject to debate in the context of indigenous peoples' rights and that it was not clear how it would apply to rural communities. While not opposing the inclusion of that term, the Russian Federation sought clarification on its concrete application to peasants.

75. Egypt stated that its Constitution recognized the principle of consultation but not that of prior consent. Consequently, Egypt was unable to agree to its inclusion in paragraph 3.

76. Ecuador indicated that paragraph 3, rather than undermining the rights of indigenous peoples as submitted by other States, reinforced other standards, such as the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).

77. Experts and representatives of civil society organizations explained that the principle of free, prior and informed consent was well established in international law and was a crucial element in decisions affecting the rights, livelihood and dignity of peasants. It was rightly extended to peasants, even if the principle had historically been applied to indigenous peoples. The freedom aspect of the principle was an important safeguard against coercion.

Paragraph 4

78. Guatemala and India suggested deleting paragraph 4. Jordan expressed reservations to the fourth paragraph, which seemed unclear.

79. Ecuador noted that paragraph 4 was crucial as it called for consistency with human rights standards, which should apply across the board.

Paragraph 5

80. The European Union proposed replacing "ensure that" with "promote the respect by" in the first sentence.

81. Regarding the regulation of private sector activity, Ecuador noted that the provision was important for the protection of peasants, who were often vulnerable to eviction.

Paragraph 6

82. Switzerland observed that the partnerships envisaged in paragraph 6 should include the private sector and suggested making reference to mutually agreed terms in subparagraph 6 (d).

83. Guatemala, with Brazil concurring, indicated that subparagraph 6 (e) on the management of markets was a matter for the World Trade Organization given the complexity of implementing such a provision even when there was the political will to do so. Argentina suggested replacing "management of markets" in subparagraph 6 (e) with "functioning of markets", as the suggested formulation was less imposing.

84. The European Union proposed inserting "where applicable" after "Ensuring" in subparagraph 6 (a) and inserting "voluntary" before "transfer of technologies" in subparagraph 6 (d).

3. Article 3

85. In the list of prohibited grounds of discrimination, Switzerland suggested adding "origin". Uruguay expressed concern at grounds that had not been included and suggested replacing the list with "all forms of discrimination" so that countries could interpret the article in line with their own legislation.

86. Chile and Colombia underscored the importance of having an inclusive list that comprised gender identity and sexual orientation, to which Egypt and the Russian Federation were opposed. One civil society organization proposed adding "legal status".

87. The European Union proposed inserting "all" after "the Universal Declaration of Human Rights and" and "any" before "grounds" in paragraph 1.

88. Chile requested that the formulation from the previous version of the draft be reinstated. Egypt and Jordan requested that the language on non-discrimination be aligned with that on the grounds of discrimination in article 2 of the International Covenant on Civil and Political Rights.

89. Bolivia (Plurinational State of) and Uruguay suggested adding a reference to multiple and intersectional forms of discrimination in paragraph 1.

90. Guatemala was of the view that, in international law, the only collective right was the right to self-determination. The European Union, Colombia, Guatemala and Switzerland suggested deleting the reference to "individually and collectively".

91. Bolivia (Plurinational State of) and Cuba supported the inclusion of a reference to the individual and collective expression of rights, noting that many rights were applicable to groups such as a community.

92. Mr. Golay suggested that the language in article 1 (1) "alone or in association with others" could be used.

4. Article 4

93. Mexico drew attention to the need to reflect multiple and intersectional forms of discrimination. Representatives of a number of States highlighted the need to recognize in the text women's contribution.

94. The European Union, with the Programme on Women's Economic, Social and Cultural Rights supporting, suggested adding a subparagraph on women's right to purchase and dispose of land on their own and to inherit land.

95. For subparagraph 2 (a), Switzerland suggested: "To participate fully, equally and effectively in the formulation and implementation of gender-responsive development planning at all levels". Mexico seconded the suggestion.

96. The European Union proposed referring to the highest attainable standard of physical and mental health in subparagraph 2 (b); the proposal was supported by Guatemala. Switzerland suggested adding "equal" before "access", also in subparagraph 2 (g).

97. ILO suggested inserting ", associations" before "and cooperatives" in subparagraph 2 (e).

98. For subparagraph 2 (g), ILO suggested inserting "financial services such as" before "credit and loans", adding "leasing and insurance" and deleting "agricultural".

99. Guatemala recalled the reservations expressed by several countries to subparagraph 2 (h), especially to the reference to agrarian reform.

100. ILO proposed incorporating a reference to equal rights to land and natural resources in subparagraph 2 (h). Mexico noted that it was important to state that the use of natural resources should be made in full respect of environmental law, in order to avoid the use of such resources from having a negative impact.

101. For subparagraph 2 (i), ILO suggested inserting "for work of equal value" after "equal remuneration" and replacing "benefits" with "protection".

102. For subparagraph 2 (j), the European Union, with La Via Campesina concurring, suggested inserting "all forms of" before "violence". Switzerland proposed using "to be free from violence, including domestic violence, sexual violence and other forms of gender-based violence, female genital mutilation and child early and forced marriage", a formulation based on language in General Assembly resolution 68/139.

103. Egypt and Jordan requested the deletion of paragraph 2 (k), as it was derived from article 16 of the Convention on the Elimination of All Forms of Discrimination against Women, in respect of which Egypt and Jordan had put a reservation.

104. FIAN International suggested adding a reference to traditional practices that negatively affected women's access to resources.

105. Other non-governmental organizations suggested language on basic services, women's care responsibilities and the digital gap.

106. La Via Campesina called attention to the need to spell out the relevant obligations of States to prevent de jure and de facto discrimination against women.

107. Switzerland informed participants that suggestions for additional paragraphs would be sent soon.

108. South Africa appreciated the current streamlined text and supported the inclusion of language regarding the role of women in food security.

B. Articles 5-8

1. Article 5

Paragraph 1

109. The European Union stated that the right to natural resources did not exist and thus suggested deleting "the right to have" and referring instead to "access to and use of natural resources".

110. Several States stated that natural resources were public possessions and that their use and exploitation were regulated by national laws.

111. Brazil, Jordan and the Russian Federation concurred with the proposal of Egypt to add "in accordance with national laws and legislation" at the end of the paragraph. Moreover, the European Union and Egypt proposed replacing "to participate in" with "to be consulted about". Jordan reiterated its reservations to article 5, especially its paragraph 1.

112. Guatemala stated that, due to conflicts with the Constitution and national legislation, it reserved its position on the right to natural resources and could not accept the current wording of paragraph 1.

113. Switzerland argued that the wording of article 5 (1) would be better if it reflected that of article 15 of the Convention on Biological Diversity. Similarly, it suggested that the second part of paragraph 1 would benefit from borrowing the exact wording of article 9 (2) (b) of the International Treaty on Plant Genetic Resources for Food and Agriculture.

114. Several chapters of La Via Campesina stressed that the right to natural resources was key to ensuring the livelihoods of peasants, was often recognized as a de facto right and needed to be explicitly recognized as such in the declaration.

115. The World Alliance of Mobile Indigenous Pastoralists suggested replacing "present in their communities" with "where these communities are based".

Paragraph 3

116. Switzerland and the Programme on Women's Economic, Social and Cultural Rights suggested adding "economic impact" and "gender indicators" to subparagraph 3 (a).

117. The Russian Federation argued that the language and terminology in paragraph 3 inaccurately suggested that the instrument was a legally binding document and requested that the wording be changed accordingly.

118. Egypt suggested deleting the reference to free, prior and informed consent in subparagraph 3 (b). Mexico said that the language on consultations could be improved in line with that used in other instruments, to ensure implementation.

119. Switzerland suggested using, in subparagraph 3 (c), language from either the International Treaty on Plant Genetic Resources for Food and Agriculture or the Convention on Biological Diversity and its Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization.

120. Ecuador noted that the language in paragraph 3 came from already adopted instruments and stressed the need to be consistent with existing language while also going further with regard to protecting the rights of peasants.

121. The World Alliance of Mobile Indigenous Pastoralists drew attention to the fact that exploitation should not lead to the exclusion of communities and that prior consent might be required.

2. Article 6

122. No oral statements were made.

3. Article 7

123. The European Union suggested inserting "and as defined by national legislation" after "international agreements" in paragraph 2.

124. Mexico stated that paragraph 2 was not precise enough to allow for distinct migration policies for different peoples. Switzerland expressed doubt as to the scope of the implication of paragraph 2 and solicited suggestions from other States.

125. Chile stated that it had no problem with the language on the freedom of movement of persons proposed in paragraph 2, but that the free movement of plants and animals could not be ensured given the need to protect them.

126. The European Union and Guatemala suggested deleting the specific reference to indigenous peoples in paragraph 3. Guatemala believed the draft could not include any reference to transboundary tenure issues. Switzerland specified that paragraph 3 should be in line with the FAO voluntary guidelines on land tenure.

127. Several non-governmental organizations (NGOs) expressed real concern at the intention to amend or delete paragraph 2, calling attention to the fact that small-scale fishers, for example, could be arrested by the authorities of another country, fall prey to tides and drift in the wrong direction.

4. Article 8

128. The European Union and Guatemala suggested deleting "individually and collectively" from paragraph 2 and "individually and in association with others" from paragraph 3. Ms. Claeys constructively proposed language from the Committee on Economic, Social and Cultural Rights' general comment No. 21 (2009) on the right of everyone to take part in cultural life, in which it is stated that rights can be exercised "individually or in association with others or within a community or group".

129. The Korean Women Peasants Association suggested deleting the word "peaceful" from paragraphs 1 and 2.

130. The International Indian Treaty Council indicated that, after consultation with many indigenous bodies, it could accept the removal of references to indigenous peoples but could not accept the deletion of references to collective rights. La Vía Campesina (Europe) highlighted the importance of collective rights for trade union activities aimed at defending peasants' rights.

C. Articles 9-12

1. Article 9

131. Egypt, with the Russian Federation concurring, suggested bringing article 9 into line with article 22 (2) of the International Covenant on Civil and Political Rights. Mr. Gelay clarified that the United Nations Declaration on the Rights of Indigenous Peoples did not refer to compliance with national legislation and suggested using the language of its article 46 (3).

132. ILO proposed adding the right to bargain collectively to paragraph 1. The proposal was supported by Ecuador and IUF.

133. Guatemala suggested deleting "their" from the phrase "growth and pursuit of their lawful activities" in paragraph 2 and bringing paragraph 2 into line with article 5 (1) of the ILO Rural Workers' Organisations Convention, 1975 (No. 141).

134. ILO suggested deleting "cooperatives and other" from the first sentence of paragraph 2 and inserting "including unions, cooperatives and other organizations of the social and solidarity economy" after "people working in rural areas".

135. IUF suggested inserting, in paragraph 2, language on active encouragement, as had been used by ILO in the Rural Workers' Organisations Convention, 1975 (No. 141). Ecuador indicated that the idea of support was to help to address the imbalance between the negotiation position of peasants and counterparts.

136. La Via Campesina (Korea) supported article 9 (1).

2. Article 10

137. The European Union suggested that the words "right to" be deleted from the title, which should just read "Participation". Throughout the text "have the right to participate" should be replaced with "should participate".

138. Egypt suggested adding "in accordance with national law and legislation" to paragraph 3.

139. Guatemala believed that the word "participation" should not be qualified and suggested deleting "meaningful and informed" from paragraph 1. The reference to "land and livelihoods" should be deleted from paragraph 3.

3. Article 11

140. The European Union and Guatemala suggested deleting the word "right to" from the title. Switzerland had no objection to the use of the word "right" in article 11, while Ecuador was of the view that the text of the article would be stripped of meaning if the word "right" were to be deleted.

141. On paragraph 2, Guatemala asked how States could ensure effective participation. It noted that States should, rather, put into place only conditions that were conducive to participation. The paragraph should not refer to lands and livelihoods.

142. On paragraph 3, Mexico argued that States must ensure certification standards generally applicable to all without distinction.

143. Several civil society organizations expressed support for the inclusion of the right to information in the draft declaration. Another civil society organization suggested including the right to appropriate technology and digitalized information systems, as well as to information on weather and disaster forecasts.

4. Article 12

144. The European Union suggested replacing paragraph 1 with language on access to fair procedures for the resolution of disputes. Egypt proposed replacing "human rights standards" with "relevant obligations under international human rights law".

145. Guatemala objected to the reference to individual and collective rights in paragraph 1 and questioned the existence of peasants' legal systems. It requested that domestic legislation be mentioned in addition to international standards.

146. Guatemala indicated a preference for the previous formulation of paragraph 2.

147. La Via Campesina (India) suggested replacing "States shall consider additional measures" with "States shall take adequate measures" in paragraph 3.

148. On paragraph 4, the European Union proposed referring to effective, independent and pluralistic national institutions. El Salvador stated that the draft declaration should give an indication of what States needed to do to strengthen national human rights institutions and that reference to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) could be made.

149. The European Union proposed deleting "forced assimilation or integration" from paragraph 5. Guatemala stated that the formulation of paragraph 5 pre-empted the outcome of disputes on tenure of property and, as such, interfered with the impartiality of the justice system.

150. The Comité français pour la solidarité internationale and the Programme on Women's Economic, Social and Cultural Rights suggested adding a paragraph on prohibiting the authorization of involuntary displacement in the name of development.

151. Several representatives of civil society organizations stressed the need for free legal aid and proposed language to that effect.

D. Articles 13-16

1. Article 13

152. The European Union suggested reformulating the title of the article to reflect the wording of article 6 of the International Covenant on Economic, Social and Cultural Rights. ILO recommended that the title refer to "decent work" and proposed specific wording for an additional paragraph on child labour.

153. The Centro de Estudios Legales y Sociales suggested adding "seasonal and migrant workers" to paragraph 1, for consistency.

154. While understanding the source of the language in paragraph 2, Guatemala expressed concern at the current formulation, which recommended how States ought to act to solve the problem.

155. Egypt proposed splitting paragraph 2 into two. The second part, starting "In States facing high levels of rural poverty", would make reference to the importance of international cooperation.

156. The European Union proposed inserting "as appropriate" after "labour inspectorates" in paragraph 3.

157. ILO suggested adding language on forced labour, consistent with international standards, to paragraph 4. Specifically, it suggested adding "to be a victim of human trafficking or to be held in any form of contemporary slavery" at the end of the first sentence. In the second sentence, a reference to "all forms of contemporary slavery" would be more appropriate than the reference to "economic exploitation".

158. On an additional paragraph on child labour, Mr. Golay suggested referring to ILO conventions in the preamble and adding specific language to the body of the declaration. On the addition of a reference to "international cooperation" in paragraph 2, he said that other subparagraphs in the draft declaration addressed the issue in a general manner.

2. Article 14

159. The European Union suggested adding "as defined by national legislation" in the reference to migrant workers in paragraph 1. Ecuador stated that subjecting paragraph 1 to domestic law could be construed as denying the right to safety and health at work to those not legally working in a certain territory. Mr. Golay suggested that a solution could be to add language similar to that contained in article 46 (2) of the United Nations Declaration on the Rights of Indigenous Peoples, on limitations to the exercise of rights.

160. ILO recommended that paragraph 1 elaborate more on measures to prevent, reduce and control hazards and risks.

161. The Programme on Women's Economic, Social and Cultural Rights suggested inserting "sexual" before "harassment" in paragraph 1 and adding language to the effect that workers should not be placed at any disadvantage as a result of removing themselves from danger. It suggested referring to the provision of childcare facilities at the workplace and ensuring safe and affordable transportation to work.

162. In paragraph 2, ILO recommended that the latter part of the sentence, starting from "agrochemicals", be replaced with "hazardous substances or toxic chemicals". It also recommended that paragraph 3 start with a reference to the relevant ILO instruments and that details of appropriate measures be incorporated.

163. In paragraph 3, India suggested inserting "appropriate competent" before "authority", to take account of institutional differences across countries.

164. In paragraph 4, ILO suggested adding subparagraphs on a reporting system and on occupational safety and health education. It also suggested inserting "distribution" and "and use" before "of chemicals" in subparagraph (*a*) and substituting "safe" with "tracking" and "avoid" with "prevent" in subparagraph (*c*). Moreover, it proposed two additional subparagraphs on systems to be put into place and on the duties of employers. Argentina stated its preference for the already agreed language.

165. La Vía Campesina (Europe) proposed adding a subparagraph to paragraph 4 on protection against chemical products and technologies that could endanger safety and health at work.

3. Article 15

166. The European Union suggested changing the title to "Right to adequate food" and deleting "and food sovereignty", as a right to food sovereignty did not exist. Consequently, the European Union requested the deletion of paragraph 2 and the replacement of "sovereignty" with "adequate" in paragraph 3. Other delegations (Chile, Egypt, Guatemala, New Zealand, Paraguay and Switzerland) expressed similar concerns. Egypt suggested using "food sufficiency". India suggested using "rights to food and to be free from hunger". Others suggested using "food security". Brazil asked whether it would be possible to harmonize "food sovereignty" with other terms. Uruguay enquired why the term "food sovereignty" had been chosen since the concept of "food security" already existed and had been agreed upon by Governments. Argentina stated its preference for previously agreed language.

167. Switzerland proposed replacing "food sovereignty" with language from Sustainable Development Goal 3, on sustainable consumption and production patterns.

168. New Zealand stated that it was considering whether to abstain or vote against the draft declaration when it came before the General Assembly.

169. Ecuador observed that most of the article enjoyed the support of delegations and that it was the reference to food sovereignty that was causing the most problems. Food sovereignty went beyond food security and included cultural and ancestral rights to use food products.

170. Bolivia (Plurinational State of) and South Africa noted that it was possible to reconcile food security, the right to food and food sovereignty in the declaration. The Plurinational State of Bolivia highlighted that food sovereignty had already been included in various constitutions and regional parliamentary documents.

171. The Dominican Republic and Venezuela (Bolivarian Republic of) supported the article as it currently stood and argued that it was inappropriate to replace food sovereignty with food security.

172. Several NGOs provided clarifications about food sovereignty and all the civil society organizations that made interventions were in support of the inclusion of the concept of food sovereignty in the draft declaration as a crucial element for the rights and survival of peasants. Centre Europe—Tiers Monde added that nothing prevented the working group from drafting a clearer paragraph or from adding a note to clarify its understanding of food sovereignty.

173. The European Union, with Switzerland concurring, requested the deletion of "culturally acceptable" from paragraph 4. It also requested the deletion of "the right to" before "physical and economic access" from the first sentence of that paragraph. A civil society organization recalled that the Committee on Economic, Social and Cultural Rights had, in its general comment No. 12 (1999) on the right to adequate food, had recognized that food should be culturally appropriate.

4. Article 16

174. The European Union expressed serious concern about the listing of rights that had not been recognized nor defined. The European Union and New Zealand proposed inserting "access to" before "the means of production".

175. The Plurinational State of Bolivia stated that it would like to retain the reference to "right" and referred to the International Covenant on Economic, Social and Cultural Rights, in which the means of production was interpreted to form part of the right.

176. The European Union and Guatemala proposed deleting "individually and collectively" from paragraph 1. Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of) said they wished to retain the reference to collective rights, which reflected the way in which those rights were exercised. Ecuador explained that the language reflected the fact that peasants had always been organized and would continue to do so.

177. Ms. Suarez Franco suggested replacing "individually and collectively" with "alone and in association with others or in community with others".

178. The European Union, Chile, Guatemala and Japan proposed deleting the sentence on price-setting in paragraph 3, as such a practice would interfere with free market principles. The Plurinational State of Bolivia explained that the provision on price-setting sought to address speculation and reduce price volatility. Ecuador referred to the fact that subsidies distorted market prices. The Dominican Republic insisted that producers should be able to participate in price-setting, which could help ensure a decent income.

179. Several civil society organizations supported the article. ILO suggested including a reference to employment policies promoting decent non-farm employment in the rural economy in paragraph 4. While acknowledging the fact that the proposed article targeted the small-holder farm sector, ILO, with the Bolivarian Republic of Venezuela and IUF concurring, proposed adding language on decent wages.

180. Guatemala requested clarifications on the "market failures" mentioned in paragraph 5 and on how they were related to natural disasters. The Bolivarian Republic of Venezuela indicated that paragraph 5 was necessary as markets were unpredictable.

181. La Via Campesina (South African) suggested adding "by creating agricultural compensation funds" at the end of paragraph 5.

182. The Bolivarian Republic of Venezuela wished to maintain the formulation of article as it was in the document. Several chapters of La Via Campesina defended the right, which was needed to protect their sustainable food systems.

E. Articles 17-19

1. Article 17

183. The European Union stated that there was no right to land, so the title and content of the article should read "access to land"; that position was supported by the Russian Federation. Cuba called for agrarian reforms to be reflected in the title of article.

184. The European Union restated that the term "individually and collectively" should be deleted and suggested inserting "should" before "have" in the first line of paragraph 1.

185. The Republic of Korea expressed reservations about the right to land and concurred with the statement of the European Union. Guatemala and Jordan also expressed reservations on the entire article.

186. Guatemala and New Zealand expressed concern about extending the right to land, which had until then been attributed only to indigenous peoples.

187. The Plurinational State of Bolivia, with El Salvador and Venezuela (Bolivarian Republic of) concurring, defended the use of the "right to land" in the title and paragraph 2 as it was.

188. La Via Campesina (Palestine) proposed inserting "and means of production" after "houses".

189. Chapters of La Via Campesina suggested that "compensation" in paragraph 5 should entail land and natural resources of equivalent agronomic value, should be sufficient to enable the resumption of agricultural work and be provided to peasants unable to return.

190. On paragraph 6, the Republic of Korea made the following suggestions: in the first sentence, replace "carry out redistributive agrarian reforms" with "introduce domestic legislation"; in the second sentence, replace "Redistributive reforms must" with "States should" and "shall" with "should"; and, in the last sentence, replace "in the allocation of" with "to access". The European Union proposed replacing "shall carry out" with "can decide to implement, when appropriate," in the first sentence of the same paragraph.

191. The Russian Federation stated that the article was problematic, as a number of items contravened Russian legislation, in particular paragraph 6. It requested that "shall carry out" should be changed to "decide to implement when appropriate" in paragraph 6.

192. Ecuador concurred with the proposal of the International Indian Treaty Council to add an article similar to article 45 of the United Nations Declaration on the Rights of Indigenous Peoples.

193. Several civil society organizations stressed the importance of the right to land and the inclusion of redistributive agrarian reforms, especially as regards States' obligation to implement it.

2. Article 18

Paragraph 1

194. The European Union stated that it was not in a position to support an article on the right to the environment and proposed referring to having access to a safe, clean and healthy environment.

195. Switzerland stated that many countries did not recognize the right to the environment and found it difficult to affirm that right for peasants. The representative proposed transposing language from subparagraph 6 (a) of Human Rights Council resolution 34/20.

196. South Africa indicated that the objective of the process was to set norms at the international level. Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of) expressed support for the current formulation of article 18.

197. The World Forum of Fisher Peoples indicated that replacing "right" with "access" would be inappropriate for a right that had been recognized in many States.

Paragraph 2

198. The European Union, with Guatemala concurring, suggested inserting "contribute to" before "the conservation and protection of the environment".

199. Guatemala enquired about the existence of "territories and territories of peasants" in the paragraph. Mr. Golay suggested that adding "that they use, manage and control" after "lands, territories and resources" could clarify which resources the draft refers to.

Paragraph 4

200. The European Union suggested replacing "take effective measures" with "comply with their international obligations". Ecuador noted that effective measures could be taken while also complying with international obligations.

201. The European Union suggested replacing "materials" with "waste" and deleting the reference to free, prior and informed consent. Ecuador stated that free, prior and informed consent required discussion and that it was worth focusing on how to strike a balance in the language.

202. Guatemala disagreed with extending indigenous peoples' rights to peasants in paragraph 4.

203. Ecuador stated that reference to land and territories was relevant in paragraph 4 as pollution by toxic waste could affect the lands and resources of any community, not only indigenous peoples'.

204. The Programme on Women's Economic, Social and Cultural Rights proposed referring, in article 18, to an environment free of all forms of violence and discrimination and to access to clean, renewable energy for livelihood and domestic use.

205. La Via Campesina (Palestine) suggested adding references to weapons and ammunitions affecting biodiversity, to the safe and productive use of land and to the responsibility of the polluter to restore.

3. Article 19

206. Uruguay highlighted that the article should be considered in the light of States' international obligations and commitments in relation to intellectual property rights. Guatemala informed participants that consultations were under way on the compatibility of article 19 with national law and ratified international instruments, and therefore placed a reservation on the article in its entirety.

207. Brazil enquired how compatibility with article 19 with the International Treaty on Plant Genetic Resources for Food and Agriculture was ensured. Switzerland proposed replacing article 19 entirely with article 9 of the Treaty, which captured the key components of the draft declaration.

208. The European Union, with Japan and the Republic of Korea concurring, indicated that they could not agree to a reference to the right to seeds, as such a reference was not in compliance with international conventions. The article should refer, rather, to access to seeds. Paragraphs 1 and 3 should also refer to "access".

209. The Plurinational State of Bolivia stated that the right to seeds had been recognized in the International Treaty on Plant Genetic Resources for Food and Agriculture and that article 19 of the draft declaration sought to contribute to rebalancing rights in a context where international seed companies had the upper hand over peasants.

Paragraph 1

210. The European Union suggested deleting subparagraph 1 (a), explaining that the right set out therein should not be included in the declaration. Ecuador stated that deletion of subparagraph 1 (a) would be wrong, as traditional knowledge had to be preserved; otherwise, for example, the patenting of formulae would have a negative effect on the ability of local communities to use traditional knowledge. The representative added that FAO instruments did not restrict intellectual property regime.

211. Chile, with the Republic of Korea concurring, suggested including in paragraph 1 the phrase "subject to national legislation", as in the International Treaty on Plant Genetic Resources for Food and Agriculture. Chile enquired whether the seeds covered by the draft declaration could be expanded beyond the crops listed in the annex of the Treaty.

212. La Via Campesina (Europe) suggested replacing "farm-saved" with "their" in subparagraph 1 (d).

Paragraphs 2-8

213. The European Union suggested replacing "have the right to" in paragraph 2 with "should be able to". The Bolivarian Republic of Venezuela stated that "right" needed to be retained in the whole article. It suggested adding "ancestral knowledge and practices" to paragraph 2.

214. Chile enquired whether the seeds covered by the draft declaration were those that were conserved from one generation to the next, and whether the text excluded seeds owned by third parties.

215. The European Union suggested deleting paragraph 3. Chile asked for clarifications on the types of measures foreseen under that paragraph.

216. Chile sought clarifications on the meaning of "seed systems" in paragraph 6.

217. The European Union, with Japan concurring, suggested replacing "oriented towards" with "duly takes into account" in paragraph 7.

218. The European Union suggested deleting the phrase "in particular the right to seeds" in paragraph 8.

219. Chile stated that the issues of intellectual property and trade needed to be discussed, as there was a need for synergies between various documents.

220. Centre Europe—Tiers Monde suggested including language requiring States to promote and support peasant seed banks and the in situ conservation and development of seeds, as well as to take measures for the regulation of non-State actors, such as agribusiness transnational corporations.

221. Other civil society organizations' interventions focused on the need to keep article 19 and to retaining the word "right". They stressed that there was no incompatibility between article 19 and other international agreements.

F. Articles 20-23

1. Article 20

222. The European Union suggested deleting "right to" from the title. Ecuador, with the Bolivarian Republic of Venezuela concurring, indicated that any attempt to remove the word "right" required analysis and that, in principle, Ecuador opposed the deletion of the word. Mr. Goíta added that legislation at the national and regional levels had recognized the right of local communities to biological biodiversity and that there was no dichotomy between recognition in the draft declaration and international environmental law.

223. Guatemala informed participants that consultations were under way on the compatibility of article 20 with national law and that it therefore expressed reservations on the article in its entirety.

224. Switzerland noted that duplication of some elements of articles 20 and 26 of the draft declaration and article 9 (2) (a) of the International Treaty on Plant Genetic Resources for Food and Agriculture should be the basis for a discussion of the article.

225. Civil society organizations expressed their support for the article. One organization suggested that article 20 needed to include the protection of animal breeds.

Paragraph 1

226. The European Union and Guatemala suggested deleting references to "individually or collectively", to which the Bolivarian Republic of Venezuela objected, as recognition of collective rights was in line with the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization.

227. Switzerland, with Ecuador concurring, suggested adding "forestry". The World Forum of Fisher Peoples suggested deleting the word "agricultural" from the last sentence of paragraph 1 so that the right to biological diversity could be understood to encompasses forests and fisheries, for example.

228. The World Alliance of Mobile Indigenous Pastoralists proposed adding a specific mention to livestock keepers' rights in article 20.

229. In response to several queries, Mr. Esquinas explained that "associated knowledge" would include knowledge about how to use plants.

230. Several NGOs stressed the relationship between peasants' rights and biological diversity, including by referring to a statement made in March 2018 by the Special

Rapporteur on human rights and the environment about the many negative effects of the loss of biodiversity.

Paragraphs 3-4

231. The European Union, with Switzerland concurring, suggested deleting paragraph 3. Ecuador disagreed with the proposal but indicated its readiness to find text that would be agreeable to all.

232. A civil society organization suggested inserting a reference to human rights agreements in paragraph 3 and substituting "reduce" with "avoid" in paragraph 4.

2. Article 21

233. Switzerland proposed that the title of the article be aligned with the language of Human Rights Council resolution 33/10.

234. Bolivia (Plurinational State of), Panama, South Africa and Venezuela (Bolivarian Republic of), as well as the representatives of many chapters of La Via Campesina, stressed the importance of the right to water for the right to life and supported the current draft of article 21.

235. Guatemala raised concerns that the wording of the article protecting the rights of one group might lead to the violation of the rights of others. The representative informed participants that, as consultations on the article were being held in Guatemala, a reservation was placed on the article in its entirety.

236. Switzerland drew attention to the fact that the French translation of paragraph 1 was not in line with the original text in English (from General Assembly resolution 64/292).

237. South Africa suggested adding a reference to dignity in paragraph 1.

238. Colombia suggested that paragraph 1 also refer to other dimensions of the right to water, such as availability, quality and continuous access. La Via Campesina (Europe) supported that proposal.

239. IUF and ILO stressed the importance of adding "access to free potable water at the place of work" to paragraph 2.

240. Switzerland proposed adding, at the end of paragraph 3, language from paragraph 109 of General Assembly resolution 66/288, annex, entitled "The future we want".

241. On paragraph 3, the European Union made the following suggestions: insert "and endeavour" after "take measures", insert "persons belonging to" before "disadvantaged and marginalized groups" and add "as defined by national legislation" after "migrants, regardless of their legal status".

242. Switzerland proposed aligning paragraph 4 with language from target 6.6 of the Sustainable Development Goals.

243. La Via Campesina defended the article, drawing attention to how aspects of the right to water affect peasants' involvement in agriculture.

3. Article 22

244. The European Union suggested deleting "regardless of their legal status" in paragraph 2, a proposal supported by Switzerland. ILO suggested inserting "with nationals" after "treatment", in accordance with the ILO Equality of Treatment (Social Security) Convention, 1962 (No. 118).

245. Panama suggested deleting paragraph 2, as the text was also included in paragraph 3 of the same article, and said that the use of the word "regardless" complicated matters. Mr. Golay stated that deleting "regardless of their status" from article 22 would be contrary to ILO conventions.

246. The Farmworkers Association of Florida and Centre Europe—Tiers Monde stressed that undocumented migrant workers should not be excluded from the right to social security and that paragraph 2 should be retained in its entirety.

247. On paragraph 3, ILO proposed using the word "strengthen" in lieu of "maintain". The Programme on Women's Economic, Social and Cultural Rights suggested that social security should include violence and loss of livelihood as contingencies, childcare and maternity schemes, and be portable.

248. In paragraph 4, ILO and the Programme on Women's Economic, Social and Cultural Rights suggested adding language on the adequacy of systems and procedures.

4. Article 23

249. The European Union requested that the title be aligned with agreed language and read: "Right of everyone to the enjoyment of the highest attainable standard of physical and mental health". La Via Campesina (Africa) suggested that the title refer to the "right to adequate health".

250. ILO recommended that paragraph 3 refer to decent working conditions for health personnel.

G. Articles 24-27 and preamble

1. Article 24

251. Guatemala reported that consultations were under way on the compatibility of article 24 with national law.

252. Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of) supported the content of the article. South Africa suggested that the first sentence of paragraph 1 be aligned with agreed language and that "and the right to non-discrimination in this context" be added.

253. Several NGOs took the floor to highlight the importance of the right to adequate housing. One civil society organization suggested including additional paragraphs addressing the issue of natural disasters and adequate housing for migrant and seasonal rural workers.

2. Article 25

254. The European Union and Guatemala suggested deleting the second sentence of paragraph 1, as it might imply that elements that were not compatible with human rights might be permissible.

255. Switzerland suggested adding "and may be conceived as a contribution to Sustainable Development Goal 4" after "rural areas", at the end of paragraph 1. Ecuador found that proposal valuable.

256. ILO suggested adding "uphold and promote the universal nature of human rights and" to the last sentence of paragraph 1, after "They shall".

257. ILO, with Ecuador, Uruguay and La Via Campesina (Europe) concurring, recommended that additional text on child labour be inserted in paragraph 3.

258. According to the Plurinational State of Bolivia, alternative systems of education should not be disregarded and the article should remain as drafted to protect the interests of people in rural areas. Ecuador highlighted the importance for peasants of education and training, including in their own language.

3. Article 26

259. Argentina, Chile and Guatemala stated that discussions on article 26 should not pre-empt negotiations taking place within the World Intellectual Property Organization on traditional knowledge.

260. The European Union requested the deletion of "individually or collectively" from paragraph 2. Switzerland noted repetitions in paragraph 1 of issues raised in articles 19 (2) and 20 (2).

261. Ecuador and Venezuela (Bolivarian Republic of) supported the article and stated that groups other than indigenous people had distinct cultures, adding that culture was essentially collective.

262. Several civil society organizations expressed their support for the article. The definition of traditional knowledge of indigenous and local communities being discussed by the World Intellectual Property Organization was mentioned.

4. Article 27

263. The European Union said it would like to avoid extrapolating rights set out in the United Nations Declaration on the Rights of Indigenous Peoples and suggested deleting the last sentence of paragraph 1. Guatemala supported that comment and requested clarification of the meaning of "ways and means".

264. Ecuador said that the language on the participation of peasants should remain.

265. Representatives of several civil society organizations stressed the importance of participation and international cooperation for the implementation of the rights in the declaration.

266. La Via Campesina (Indonesia) suggested adding a paragraph on monitoring and reporting and emphasized that traditional knowledge should be recognized as a human right.

5. Preamble

267. The European Union recommended that "people" be replaced with "persons" throughout the preamble, to which Centre Europe—Tiers Monde objected.

268. Guatemala noted that many of the preambular paragraphs dealt with issues about which Guatemala was concerned, such as those also raised in articles 1-2, 15, 17 and 19, and that it therefore reserved its positions on those preambular paragraphs thereon.

269. Colombia expressed concern about the fact that the preamble touched upon subjects outside the mandate of the Human Rights Council, such as the environment and climate change. It also expressed concern about the fact that there were concepts in the text whose definitions had not been accepted, such as "Mother Earth".

270. South Africa suggested including a reference to the justiciability of economic, social and cultural rights in the preamble.

271. ILO and La Via Campesina suggested adding a preambular paragraph on young people.

272. The European Union suggested replacing "wishing" with "acknowledging" in the first preambular paragraph. ILO recommended adding to that same paragraph a reference to its Declaration on Fundamental Principles and Rights at Work and its Declaration on Social Justice for a Fair Globalization.

273. Switzerland recommended placing the reference to the International Treaty on Plant Genetic Resources for Food and Agriculture and the twenty-second preambular paragraph higher up in the text, for example after the second preambular paragraph, and that language from the third preambular paragraph of the Treaty be used. Switzerland also recommended that the preamble include a reference to language from article 9 (2) of the Treaty.

274. Guatemala objected to the mention of "territory" in the third preambular paragraph.

275. Switzerland proposed using the following wording in the fourth preambular paragraph: "to sustainable development and in protecting and managing water and conserving soil and biodiversity".

276. The European Union and Guatemala suggested replacing "food sovereignty" with "adequate food" in the fifth and seventeenth preambular paragraphs. Chile preferred "food security". Mr. Esquinas suggested including a section on definitions in the draft declaration.

277. The Programme on Women's Economic, Social and Cultural Rights suggested including, in the ninth preambular paragraph, a reference to rural women, the lack of infrastructure available to them and women's burden of unpaid care.

278. The European Union and Guatemala suggested deleting "that support and are in harmony with Mother Earth" from the twelfth preambular paragraph, to which the Plurinational State of Bolivia was opposed.

279. The European Union and Guatemala suggested replacing "hazardous and exploitative conditions" with "conditions that may be in some places hazardous" in the thirteenth preambular paragraph. IUF and ILO recommended that "labourers" be replaced with "workers" in the same preambular paragraph. ILO suggested inserting "denied the opportunity to exercise their fundamental rights at work and" before "lacking living wages and social protection".

280. ILO recommended inserting "associations" after "groups" in the fourteenth preambular paragraph.

281. The European Union suggested replacing the part of the paragraph starting from "which include indigenous peasants" with "in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions" in the eighteenth preambular paragraph.

282. Argentina clarified that the second part of the eighteenth preambular paragraph was a suggestion that it had made during the third session of the working group, keeping in mind article 46 (1) of the United Nations Declaration on the Rights of Indigenous Peoples.

283. Guatemala reserved its position on the eighteenth preambular paragraph until the question of the definition of "peasant" had been settled.

284. ILO suggested including a reference to the body of international labour standards of particular relevance to the draft declaration, in particular the fundamental and priority ILO conventions and the instruments concerned specifically with the rights and conditions of people working in the rural economy and of indigenous and tribal peoples.

285. Guatemala expressed concern regarding the twenty-second and twenty-third preambular paragraphs.

286. Representatives of several civil society organizations expressed support for the preamble in its entirety.

VI. Conclusions and recommendations of the Chair-Rapporteur

A. Conclusions

287. **At the 9th and final meeting of its fourth session, held on 19 May 2017, the open ended intergovernmental working group on a draft United Nations declaration on the rights of peasants and other people working in rural areas adopted the following conclusions, in accordance with its mandate as established by the Human Rights Council in its resolution 30/13:**

(a) The working group took note of the message of FAO at the opening of the session and of the participation of ILO;

(b) The working group shared views on the revised draft declaration prepared by the Chair-Rapporteur for consideration at the fourth session of the working group and welcomed her efforts;

(c) The working group welcomed the constructive negotiation, broad participation and active engagement of Governments, regional and political groups, civil society, intergovernmental organizations, experts and relevant stakeholders, particularly representatives of peasants and other people working in rural areas, and welcomed the inputs received;

(d) The working group expressed the shared concern about the human rights situation of peasants and other people working in rural areas and recognized their contributions to tackling hunger and to conserving and improving biodiversity, among others, and stressed the need to respect, promote, protect and fulfil their human rights;

(e) The working group encouraged States, civil society organizations and relevant stakeholders to send their written textual proposals on and contributions to the draft declaration, as presented during the fourth session, before 26 May 2017.

B. Recommendations of the Chair-Rapporteur

288. Following the negotiations held during the meetings of the working group, the Chair-Rapporteur recommended that:

(a) Intersessional consultations with States, regional groups and relevant stakeholders, including representatives of academia, continue to be held by the Chair-Rapporteur;

(b) A fifth session of working group be held;

(c) A revised draft declaration be prepared by the Chair-Rapporteur on the basis of the proposals made during the fourth session of the working group and on the basis of intersessional consultations and inputs received, and that the revised text be presented during the fifth session of the working group for consideration and further discussion, in order to finalize the text of the declaration, in accordance with the mandate of the working group;

(d) States and other relevant stakeholders continue their constructive engagement in and dialogue to achieve promptly an inclusive and meaningful declaration.

Annex I

List of participants

States Members of the Human Rights Council

1. Bangladesh, Belgium, Bolivia (Plurinational State of), Brazil, China, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Germany, Ghana, India, Indonesia, Iraq, Japan, Kenya, Nigeria, Panama, Paraguay, Philippines, Portugal, Republic of Korea, South Africa, Switzerland, Togo, Tunisia, United Arab Emirates, United Kingdom, Venezuela (Bolivarian Republic of).

States Members of the United Nations

2. Algeria, Argentina, Austria, Chile, Colombia, Costa Rica, Czech Republic, Dominican Republic, Estonia, France, Guatemala, Haiti, Honduras, Iran (Islamic Republic of), Italy, Jamaica, Jordan, Luxembourg, Malaysia, Mexico, Morocco, Myanmar, Nepal, New Zealand, Nicaragua, Pakistan, Peru, Romania, Russian Federation, Spain, Syrian Arab Republic, Ukraine, Uruguay, Zambia.

Non-Member States

3. Holy See, State of Palestine

Intergovernmental organizations

4. European Union (EU), Food and Agriculture Organisation of the United States (FAO), International Labour Organization, NAM, South Centre.

Non-governmental organizations in consultative status with the Economic and Social Council

General

5. Centre Europe - Tiers Monde (CETIM), International Indian Treaty Council (IITC).

Special

6. Centro de Estudios Lagales y Sociales (CELS), Foundation Bread For All (BFA), International Association of Democratic Lawyers (IADL), Programme on Women's Economic, Social and Cultural Rights (PWESCR), Réseau International des Droits Humains (RIDH)

Roster

7. American Anthropological Association, Association of World Citizens, FIAN International e.V., International Federation of Rural Adult Catholic Movements (FIMARC), International Union of Food Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations (IUF).

Other Non-governmental organizations

8. Asociacion Uraba Suiza Colombia, Bäuerliche Erzeugergemeinschaft Schwäbisch Hall w.V. (BESH), Comité francais pour la Solidarité Internationale, Community Self Reliance Centre (COSEREC), Farmworkers Association of Florida, Foundation House of

Farmers, Korean Women Peasants Association, Landless people's campaign, Sindicato Andaluz Trabajadores y trabajadoras, Via Campesina, World Alliance of Mobile Indigeanous Pastoralists (WAMIP), World Forum of Fisher People (WFFP), World March of women.

Experts invited by the Chair

Ms. Shivani Chaudhry, Ms. Priscilla Claeys, Professor José Luquinas, Mr. Mamadou Goïta, Mr. Christope Golay, Ms. Anuradha Mittal, and Ms. Ana Maria Suarez Franco.

Annex II

Summary of statements by panellists**

José Esquinas

José Esquinas reminded the audience more than 70% of the food produced worldwide come from small-scale farming. Hence this declaration is needed to tackle crucial issues faced by peasants and, consequently the whole world. If norms were set elsewhere: the declaration consolidates and restated them, facilitating its implementation. Mr. Esquinas emphasized on the importance of the rights to land, natural resources and seeds. He also affirmed that food sovereignty is essential to avoid being at the mercy of markets and loosing political sovereignty

Shivani Chaudhry

Shivani Chaudhry stressed that the proposed declaration is important and unique in that it provides a human rights framework to protect peasants and other rural people, within an environmental and sustainable development paradigm. The acute crisis in rural areas, including that of farmer suicides, reflects a colossal tragedy and global policy failure, making the need for this declaration all the more urgent. The proposed declaration plays a significant role in recognising the individual and collective right to land, as well as the principle of food sovereignty. Ms. Chaudhry stated that the declaration would help meet implementation gaps in the Paris Agreement and the 2030 Agenda for Sustainable Development.

Mamadou Goïta

Mr. Mamadou Goïta drew attention to challenges facing peasants including the technical and natural risks induced by climate changes, the global trend of privatization of land, soil degradation, and the lack of investment in education and professional training for peasants and other people working in rural areas. Consequently, Mr. Goïta expressed the view that the most important aspects of the draft declarations were the recognition of the right to food sovereignty, the right to access and control of resources and associated knowledge and the right to basic social services.

Anuradha Mittal

Ms. Anuradha Mittal underscored that the declaration would be a significant milestone for billions of peasants and rural workers who were stewards of the land and natural resources and were carrying out the much needed agroecological transition of our food system. She called attention to the fact that, in spite of this, peasants were disproportionately impacted by poverty, malnutrition, hunger, and face ongoing threats of displacement and criminalization. She stressed that in view of this, the declaration was a tool urgently needed to both protect and defend the lives, livelihoods and rights to natural resources of the peasants and rural workers.

Priscilla Claeys

Ms. Priscilla Claeys stated that the objective of the drafting of the new declaration was twofold: to apply the most progressive international standards in human rights and to ensure that the human rights international system respond to new challenges such as climate change, natural resource depletion, as well as to difficulties faced by peasants. Elements of the declaration, such as food sovereignty, seek to address them. Food sovereignty is the right of peoples to define and build their own food systems. It is a contemporary version of

** Full statements are available on the webpage of the session:
http://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/4thSession.aspx

the right to development, the right to self-determination and the right to dispose of natural resources.

Annex III

List of concrete suggestions

Annex IV contains the concrete oral and written suggestions, where specific languages were proposed on the revised text of the Declaration (A/HRC/WG.15/4/2) presented by the Chair-Rapporteur at the 4th session of the working group by member states and other participants. This document needs to be read in conjunction with the general and other comments included in the body of the present report.

Text in bold indicates a proposal to add new text. Struck-through text indicates a proposal to delete text. Struck-through text immediately followed by text in bold indicates a proposal to replace the struck-through text with the bold text. Text shown in curly brackets indicates a request to delete the entire text. Text in square brackets indicates an expression of reservation to it. A number of additional comments are indicated (when, verbatim, they are indicated with "<" and >").

Preamble

ILE comment:
<We would like to see a more comprehensive reference to the ILO and its instrument back in the preamble in the same form as the reference in the current draft to the FAO.>

Ciolay, expert: suggested that reference to ILO conventions should be made in the preamble and that the specific language be added in the body of the declaration.

Preamble paragraph 1:

EU
PP1. ~~*Wishing*~~ ***Acknowledging*** to promote the realization of the principles proclaimed in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of discrimination against Women, the Declaration on the Right to Development, the Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and the Convention on the Rights of the Child, and other relevant international instruments that have been adopted at the universal or regional level,

ILO
PP1. *Wishing* to promote the realization of the principles proclaimed in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the ICCPR, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of discrimination against Women, the Declaration on the Right to Development, **the ILO Declaration on Fundamental Principles and Rights at Work, the ILO Declaration on Social Justice for a Fair Globalization,** the Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and the Convention on the Rights of the Child, and other relevant international instruments that have been adopted at the universal or regional level,

Preamble paragraph 3:

EU

PP3. *Recognizing* the special relationship and interaction between peasants and other **people persons** working in rural areas, and the land, water, nature and territory to which they *are* attached and on which they depend for their livelihood,

Guatemala: reservation
PP3. *Reconociendo* la especial relación e interacción entre los campesinos y otras personas que trabajan en las zonas rurales, y la tierra, el agua, la naturaleza [y el territorio] *a*l que están vinculados y de los que dependen para su subsistencia,

Chaudhry, expert
PP3. *Recognizing* the special relationship and interaction between peasants and other people working in rural areas, and the land, water, nature, **natural resources**, and territory to which they *are* attached and on which they depend for their livelihood,

Preambular paragraph 4:

EU
PP4. *Recognizing also* the past, present and future contributions of peasants and other **people persons** working in rural areas in all regions of the world to development and to conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world, and their contribution in ensuring **the right to adequate** food **sovereignty**, which is fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,

Guatemala: reservation
PP4. *Reconociendo también* las contribuciones pasadas, presentes y futuras de los campesinos y de otras personas que trabajan en las zonas rurales en todas las regiones del mundo al desarrollo y a la conservación y el mejoramiento de la biodiversidad, que constituyen la base de la producción alimentaria y agrícola en todo el mundo [, y su contribución para garantizar la soberanía alimentaria,] que es fundamental para lograr los objetivos de desarrollo convenidos internacionalmente, incluida la Agenda 2030 para el Desarrollo Sostenible,

Peru
PP4. *Recognizing also* the past, present and future contributions of peasants and other people working in rural areas in all regions of the world to development and to conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world, and their contribution in ensuring food **sovereignty security**, which is fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,

Chaudhry, expert
PP4. *Recognizing also* the past, present and future contributions of peasants and other people working in rural areas in all regions of the world to development and to conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world, and their contribution in ensuring food **security and** sovereignty, which is fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,

Preambular paragraph 5:

EU
PP5. *Concerned* that peasants and other **people persons** working in rural areas suffer disproportionately from poverty and malnutrition,

Chaudhry, expert
PP5. *Concerned* that peasants and other people working in rural areas suffer disproportionately from poverty, **hunger** and malnutrition,

PP5 bis. ***Recognizing agrarian distress and the growing inequality of land ownership in rural areas and the failure of states to carry out human rights-based agrarian and land reform,***

Preambular paragraph 6:

EU:

PP6. *Concerned also* that peasants and other ~~people~~ **persons** working in rural areas suffer from the burdens caused by *environmental degradation and climate change*,

PP6. Preambular paragraph 7:

LAC Nepal, comment

PP6. "Along with the 7th paragraph of preamble, we propose an additional paragraph on youths addressing the challenges faced by youths in agriculture and recognizing the importance of attracting more youth in agriculture to transform as well as for the future of agriculture."

Preambular paragraph 8:

EU:

PP8. *Alarmed* by the increasing number of peasants and other ~~people~~ **persons** working in rural areas forcibly evicted or displaced every year,

Chaudhry, expert

PP8. *Alarmed* by the increasing number of peasants and other people working in rural areas forcibly evicted, **dispossessed of their homes and lands**, or displaced every year,

PP8 bis. **Also alarmed by the high incidence of farmer suicides in several countries,**

Preambular paragraph 9:

Chaudhry, expert

PP9. *Stressing* that peasant women and other rural women play a significant role in the economic survival of their families **and in contributing to the rural and national economy**, including through their work in the non-monetized sectors of the economy, but are often denied tenure and ownership of land, equal access to land, productive resources, financial services **and credit**, information, employment or social protection, and are often victims of violence, **exclusion, subordination, and discrimination** in a variety of forms and manifestations,

CH LAC W, comment

PP9. "Lack of adequate infrastructure for basic rights and essential services in rural areas results in an unequal and unfair burden of unpaid work on women to provide for these. Therefore it is important to recognise, redistribute and reduce rural women's unpaid work by providing adequate infrastructure, clean renewable energy and better technology options. We also would like inclusion of digital infrastructure as part of productive resources available to rural communities."

Preambular paragraph 10:

EU:

PP10. *Stressing also* that several factors make it difficult for peasants and other ~~people~~ **persons** working in rural areas, including small-scale fishers and fish workers pastoralists, foresters and other local communities to make their voices heard, to defend their human rights and tenure rights, and to secure the sustainable use of the natural resources on which they depend,

Preambular paragraph 12:

EU
PP12. *Convinced* that peasants and other ~~people~~ **persons** working in rural areas should be supported in their efforts to promote and undertake sustainable practices of agricultural production ~~that support and are in harmony with Mother Earth~~, including the biological and natural ability of ecosystems to adapt and regenerate through natural processes and cycles,

Guatemala: reservation
PP12. *Convencido* de que los campesinos y otras personas que trabajan en las zonas rurales deben contar con apoyo en su labor de promover y emplear prácticas de producción agrícola sostenibles [que beneficien a la Madre Tierra y estén en armonía con ella], como la capacidad biológica y natural de los ecosistemas para adaptarse y regenerarse mediante procesos y ciclos naturales,

Chaudhry, expert
PP12. *Convinced* that peasants and other people working in rural areas should be **acknowledged and** supported in their efforts to promote and undertake sustainable practices of agricultural production that support and are in harmony with Mother Earth, including the biological and natural ability of ecosystems to adapt and regenerate through natural processes and cycles,

Preambular paragraph 13:

EU
PP13. *Considering* the ~~hazardous and exploitative~~ conditions **that may be in some places hazardous** under which many labourers in agriculture, fisheries and other activities have to work, often lacking living wages and social protection,

Guatemala: reservation
PP13. *Teniendo en cuenta* las condiciones peligrosas y de explotación en las que trabajan [quienes se dedican a la agricultura, la pesca y otras actividades], que a menudo carecen de salarios mínimos vitales y de protección social,

ILO
PP13. *Considering* the hazardous and exploitative conditions under which many ~~labourers~~ **workers** in agriculture, fisheries and other activities have to work, often **denied the opportunity to exercise their fundamental rights at work and** lacking living wages and social protection,

Chaudhry, expert
PP13. *Considering* the hazardous and exploitative conditions under which many labourers in agriculture, fisheries, **forests**, and other activities have to work, often lacking living wages and social protection,

Preambular paragraph 14:

ILO
PP14. *Concerned* that individuals, groups, **associations** and institutions that promote and protect the human rights of those working on land and natural resources issues face a high risk of being subject to different forms of intimidation and of violations of their physical integrity,

Chaudhry, expert
PP14. *Concerned* that individuals, groups and institutions that promote and protect the human rights of those working on land and natural resources issues face a high risk of being subject to different forms of intimidation and of violations of their physical integrity **and human rights**,

Preambular paragraph 15:

EU
PP15. *Noting* that peasants and other ~~people~~ **persons** working in rural areas often face difficulties in gaining access to courts, police officers, prosecutors and lawyers to the extent that they are unable to seek immediate redress or protection from violence, abuse and exploitation,

Preambular paragraph 16:

Chaudhry, expert
PP16. *Concerned* about **the growth of agri-business and its control over food systems and** speculation on food products, and the increasing concentration and unbalanced distribution of food systems, which impairs the enjoyment of human rights,

Preambular paragraph 17:

EU
PP17. *Recognizing* that, in order to guarantee the right of peoples to **adequate** food ~~sovereignty~~, it is essential to respect, protect and promote the rights recognized in the present declaration,

Guatemala: reservation
PP17. Reconociendo que [, para garantizar la soberanía alimentaria de los pueblos,] es esencial que se respeten, se protejan y se promuevan los derechos reconocidos en la presente Declaración,

Peru
PP17. *Recognizing* that, in order to guarantee the right of peoples to food ~~sovereignty~~ **security**, it is essential to respect, protect and promote the rights recognized in the present declaration

Chaudhry, expert
PP17. *Recognizing* that, in order to guarantee the right of peoples to food sovereignty, it is essential to respect, protect and promote the **human** rights recognized in the present declaration,

Preambular paragraph 18:

EU
PP18. *Affirming* that, according to the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions, ~~which include indigenous peasants and other indigenous people working in rural areas, have the right to self-determination in matters relating to their internal and local affairs, while highlighting that nothing in the Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations, or construed as authorizing or encouraging any action that would dismember or impair, either totally or in part, the territorial integrity or political unity of sovereign and independent States,~~

Guatemala: reservation on the whole paragraph
PP18. [*Afirmando* que, de conformidad con la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas, estos últimos, entre ellos los campesinos indígenas y otras personas indígenas que trabajan en las zonas rurales, tienen derecho a la libre determinación en las cuestiones relacionadas con sus asuntos internos y locales, y resaltando al mismo tiempo que nada en la presente Declaración se interpretará en el sentido de que confiera a un Estado, pueblo, grupo o persona derecho alguno a participar en

una actividad o realizar actos contrarios a la Carta de las Naciones Unidas, ni se entenderá en el sentido de que autoriza o alienta acción alguna encaminada a quebrantar o menoscabar, total o parcialmente, la integridad territorial o la unidad política de Estados soberanos e independientes.]

Preambular paragraph 21:

ILO
PP21. *Recalling* also the extensive body of conventions and recommendations of the International Labour Organization on labour protection and decent work, **in particular the eight Conventions enshrining fundamental rights at work and the priority Conventions concerning labour inspection, employment policy and tripartite consultation, and those Conventions specifically concerning the rights and working conditions of those engaged in agriculture and in other sectors of the rural economy and of indigenous and tribal peoples.**

Preambular paragraph 22:

Guatemala: reservation
PP22. *Recordando* además la amplia labor de la Organización de las Naciones Unidas para la Alimentación y la Agricultura sobre el derecho a la alimentación, [los derechos de tenencia, el acceso a los recursos naturales y otros derechos de los campesinos,] en particular el Tratado Internacional sobre los Recursos Fitogenéticos para la Alimentación y la Agricultura, y las Directrices Voluntarias sobre la Gobernanza Responsable de la Tenencia de la Tierra, la Pesca y los Bosques en el Contexto de la Seguridad Alimentaria Nacional, las Directrices Voluntarias para Lograr la Sostenibilidad de la Pesca en Pequeña Escala en el Contexto de la Seguridad Alimentaria y la Erradicación de la Pobreza, y las Directrices Voluntarias en Apoyo de la Realización Progresiva del Derecho a una Alimentación Adecuada en el Contexto de la Seguridad Alimentaria Nacional, todas ellas de esa organización,

India
PP22. *Recalling further* the extensive work of the Food and Agriculture Organization of the United Nations on the right to food, tenure rights, access to natural resources and other rights of peasants, in particular the International Treaty on Plant Genetic Resources for Food and Agriculture, and the Organization's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, ~~the International Treaty on Plant Genetic Resources for Food and Agriculture~~ and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security,

Preambular paragraph 23:

Guatemala, comment
PP23. <Guatemala considera que este párrafo debe ajustarse al contexto de la Declaración de Principios de la Conferencia Mundial sobre Reforma Agraria y Desarrollo Rural, en particular reflejando que "incumbe a cada gobierno la responsabilidad principal de la reforma agraria y del desarrollo rural en su país". >

Preambular paragraph 24:

EU
PP24. *Convinced* of the need for greater protection of the human rights of peasants and other **people persons** working in rural areas, and for a coherent interpretation and application of existing international human rights norms and standards in this matter,

Chaudhry, expert
PP24. *Convinced* of the need for greater protection of the human rights of peasants and other people working **and living** in rural areas, and for a coherent interpretation and application of existing international human rights norms and standards in this matter,

Preambular paragraph 25:

EU

PP25. *Solemnly adopts* the following declaration on the rights of peasants and other ~~people~~ **persons** working in rural areas:

Article 1. Definition of peasants and other people working in rural areas

RIDH, comment:
1. <La definición que se adopte de lo campesino deberá incluir otros sectores y actividades sociales y económicas que se desarrollan en lo rural, como son "los pobladores rurales" que no son considerados en algunos países industrializados como campesinos en el estricto sentido de la palabra; estos pobladores rurales mantienen relaciones sociales, culturales, familiares y comunitarias con los campesinos, que son necesarias para su supervivencia.>

Paragraph 1

Guatemala: reservation to the whole article and the parts indicated in brackets
1. A los efectos de la presente Declaración, "campesino" es toda persona que se dedique o pretenda dedicarse, ya sea de manera individual o en asociación con otras o como comunidad, a la producción agrícola en pequeña escala para subsistir o comerciar y que para ello dependa, sobre todo, aunque no necesariamente en exclusiva, del trabajo en familia o en el hogar y de otras formas no monetarias de organización del trabajo, y que tenga una especial dependencia [y apego a sus] tierras.

ILO
1. For the purposes of the present declaration, a peasant is any person who engages or who seeks to engage alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour – **including of his or her children** – and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the lands.

Paragraph 2

Chaudhry, expert
2. The present declaration applies to any person engaged in artisanal or small-scale agriculture, the raising of livestock, pastoralism, fishing, forestry, hunting or gathering, and handicrafts ~~related to agriculture~~ or a related occupation in a rural area.

Paragraph 3

Guatemala: reservation
3. [La presente Declaración se aplica también a los pueblos indígenas que trabajan la tierra, a las comunidades trashumantes y nómadas y a las personas sin tierra.]

Colombia (report, para. 52)
3. {The present declaration also applies to indigenous peoples working on the land, transhumant and nomadic communities and the landless.}

PWESCR (report, para. 52)
3. The present declaration also applies to indigenous peoples working on the land, transhumant and nomadic communities, **Dalits**, and the landless.

Chaudhry, expert

3. The present declaration also applies to indigenous peoples working on the land, transhumant, ~~and~~ nomadic **and semi-nomadic** communities, and the landless.

Paragraph 4

EU (report, para. 53)

4. The present declaration further applies to hired workers, and migrant and seasonal workers, regardless of their legal status **and as defined by national legislation** on plantations and farms in aquaculture and in agro-industrial enterprises.

Jordan: reservation especially regarding the reference to migrant and seasonal workers regardless of legal status (report, para. 54)

ILO and IUF

4. The present declaration further applies to hired workers, ~~and~~ **including** migrant and seasonal workers, regardless of their legal status on plantations and farms in aquaculture and in agro-industrial enterprises.

Chaudhry, expert

4. The present declaration further applies to hired workers, and migrant and seasonal workers, regardless of their legal status on **agricultural farms, forests**, plantations, and farms in aquaculture and in agro-industrial enterprises.

Article 2. General obligations of States

Jordan, the Russian Federation: reservation on the whole article (report, paras. 48, 66 and 77)

Guatemala: reservation to the whole article and the parts indicated in brackets.

PWESCR, comment

<State should ensure the comprehensive land reform programme on behalf of landless tenants, smallholders and women farmers to secure their rights.

State should ensure zero eviction in the name of development or other reasons without better alternatives to the marginalized farmers.

State should provide immediate support from the natural calamities like earthquake, floods, landslides etc. and supports the landless, tenants, sharecroppers, smallholders and women farmers.

State should ensures the disintegrated data of women and men on the access of land

State ensures the women's control on land not only access and ownership. >

Paragraph 1

Argentina (report, para. 62)

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas both in their territory and extra-territorially**, in line with the domestic legal order of each State**. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the elements of the rights of the present declaration that cannot be immediately guaranteed.

EU

1. States shall respect, protect and fulfil the rights of peasants and other ~~people~~ **persons** working in rural areas ~~both~~ in their territory ~~and extra-territorially~~. They shall promptly take legislative, administrative ~~and other appropriate~~ steps to achieve progressively the full realization of the elements of the rights of the present declaration that cannot be immediately guaranteed.

Guatemala

1. Los Estados respetarán, protegerán y harán efectivos los derechos de los campesinos y de otras personas que trabajan en las zonas rurales[, tanto en su territorio como fuera de

él.] [Adoptarán sin demora las medidas legislativas, administrativas y de otro tipo que resulten apropiadas para alcanzar progresivamente la plena efectividad de los elementos de los derechos de la presente Declaración que no puedan garantizarse de forma inmediata.]

South Africa (report, para. 61)

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas both in their territory and extra-territorially. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the ~~elements of the~~ rights of the present declaration that cannot be immediately guaranteed.

Switzerland

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas both in their territory and extra-territorially. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the elements of the rights of the present declaration that cannot be immediately guaranteed. **States shall take steps, individually and through international assistance and co-operation, to the maximum of its available resources, with a view to achieving the full realization of the rights of the present declaration by all appropriate means, including particularly the adoption of legislative, administrative and other appropriate measures**.

CSCR-PWESCR

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas both in their territory and extra-territorially. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the elements of the rights of the present declaration ~~that cannot be immediately guaranteed~~.

WFFP

1 (bis) **Los Estados que limitan, or comparten territories continentals o acuáticos, deben realizar en un marco de respeto a sobrenias: negociationes, o acuerdos de administración de recursos y de respeto a los derechos humanos de los campesinos y de otras personas que trabajan en las zonas rurales, cuando por tradición, inadvertidamente, arrastrados por las mareas o en busca de recursos migratorios o pelágicos traspasan los límites fronterizos y son capturados por autoridades de cada país.**

Paragraph 2

EU

2. Particular attention shall be paid in the implementation of the present declaration to the rights and special needs of peasants and other ~~people~~ **persons** working in rural areas, including older persons, women, youth, children and persons with disabilities.

Chaudhry, expert

2. Particular attention shall be paid in the implementation of the present declaration to the rights and special needs of peasants and other people working in rural areas, including older persons, women, youth, children and persons with disabilities, **landless persons, and minorities.**

Paragraph 3

EU

3. Without disregarding specific legislation on indigenous peoples, before adopting and implementing legislation and policies, international agreements and other decision-making processes that may affect the rights of peasants and other ~~people~~ **persons** working in rural areas, States ~~shall~~ **should** consult and cooperate ~~in good faith~~ with peasants and other ~~people~~ **persons** working in rural areas through their own representative institutions ~~in order to obtain the free, prior and informed consent of peasants and other people working in rural areas~~.

Guatemala: reservation

3. [Sin olvidar la legislación concreta sobre pueblos indígenas, antes de aprobar y aplicar leyes y políticas, acuerdos internacionales y otras decisiones que puedan afectar a los derechos de los campesinos y de otras personas que trabajan en las zonas rurales, los Estados celebrarán consultas y cooperarán de buena fe con los campesinos y otras personas que trabajan en las zonas rurales, por conducto de sus propias instituciones representativas, a fin de obtener su consentimiento libre, previo e informado].

Paragraph 4

Guatemala: reservation

4. [Los Estados elaborarán, interpretarán y aplicarán los acuerdos y normas internacionales en consonancia con sus obligaciones en materia de derechos humanos, relativas, entre otras esferas, al comercio, la inversión, las finanzas, la fiscalidad, la protección del medio ambiente, la cooperación para el desarrollo y la seguridad.]

India: delete paragraph 4 (report says Guatemala too at para. 77)

4. {States shall elaborate, interpret and apply international agreements and standards, including in the areas of trade, investment, finance, taxation, environmental protection, development cooperation and security, in a manner consistent with their human rights obligations.}

Paragraph 5

EU

5. States shall take all necessary measures to ~~ensure that~~ **promote the respect by** the non-State actors that they are in a position to regulate, such as private individuals and organizations, and transnational corporations and other business enterprises, do not nullify or impair the enjoyment of the rights of peasants and other ~~people~~ **persons** working in rural areas.

Paragraph 6

EU

6. States, recognizing the importance of international cooperation in support of national efforts for the realization of the purposes and objectives of the present declaration, shall take appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of peasants and other ~~people~~ **persons** working in rural areas. Such measures could include:

Switzerland

6. States, recognizing the importance of international cooperation in support of national efforts for the realization of the purposes and objectives of the present declaration, shall take appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations, **the private sector**, and civil society, in particular organizations of peasants and other people working in rural areas. Such measures could include:

Subparagraph (a)

EU

(a) Ensuring, **where applicable**, that relevant international cooperation, including international development programmes, is inclusive, accessible and pertinent to peasants and other ~~people~~ **persons** working in rural areas;

Subparagraph (d)

EU

(d) (Providing, as appropriate, technical and economic assistance, facilitating access to and sharing of accessible technologies, and through the **voluntary** transfer of technologies, particularly to developing countries;

Switzerland

(d) Fournir, au besoin, une assistance technique et économique, en facilitant l'accès à des technologies accessibles et le partage de ces technologies, et en procédant au transfert de technologies, en particulier vers les pays en développement, **selon des conditions mutuellement convenues** ;

Subparagraph (e)

Argentina (report, para. 83)
(e) Improving the ~~management~~ **functioning** of markets at the global level and facilitating timely access to market information, including on food reserves, in order to help to limit extreme food price volatility and the attractiveness of speculation.

Guatemala: reservation
(e) [Mejorar la gestión de los mercados a nivel mundial y facilitar el acceso oportuno a la información sobre estos, entre otras cosas sobre las reservas de alimentos, a fin de contribuir a limitar la extrema volatilidad de los precios de los alimentos y el atractivo de la especulación.]

WFFP: additional paragraph
6 (bis) **Los Estados que limitan, o comparten territorios continentales o acuáticos, deben realizar en un marco de respeto a soberanías: Negociaciones, o Acuerdos de administración de recursos y de respeto a los derechos humanos de los campesinos y de otras personas que trabajan en las zonas rurales, cuando por tradición, inadvertidamente, arrastrados por las mareas o en busca de recursos migratorios o pelágicos traspasan los límites fronterizos y son capturados por autoridades de cada país.**

Article 3. Equality and non-discrimination

Chile, comment: reinstate formulation from the previous version of the draft be reinstated.

LVC, comment: describe the relevant obligations of States to prevent *de jure* and *de facto* discrimination against women.

Paragraph 1

Uruguay and Bolivia, comment: add reference to multiple and intersectional forms of discrimination in paragraph 1

EU
1. Peasants and other ~~people~~ **persons** working in rural areas have the right to the full enjoyment, ~~individually and collectively~~, of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and **all** other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on **any** grounds such as race, colour, descent, sex, language, culture, marital status, property, disability, nationality, age, political or other opinion, religion, birth or economic, social or other status.

Chile (report, para. 86)
1. Peasants and other people working in rural areas have the right to the full enjoyment, individually and collectively, of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on grounds such as race, colour, descent, sex, **gender identity and sexual orientation,** language, culture, marital status, property, disability, nationality, age, political or other opinion, religion, birth or economic, social or other status.

Egypt (report, para. 88)
1. Peasants and other people working in rural areas have the right to the full enjoyment, individually and collectively, of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and other

international human rights instruments, free from any kind of discrimination in the exercise of their rights based on grounds such as race, colour, ~~descent~~, sex, language, ~~culture~~, ~~marital status~~, property, ~~disability~~, ~~nationality~~, ~~age~~, political or other opinion, **national or social origin,** religion, birth ~~or economic, social~~ or other status.

Guatemala: reservation

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a disfrutar plenamente[, a título individual y colectivo,] de todos los derechos humanos y libertades fundamentales que se reconocen en la Carta de las Naciones Unidas, la Declaración Universal de Derechos Humanos y otros instrumentos internacionales de derechos humanos, sin ningún tipo de discriminación en el ejercicio de sus derechos por motivos de raza, color, linaje, sexo, idioma, cultura, estado civil, bienes, discapacidad, nacionalidad, edad, opinión política o de otra índole, religión, nacimiento o situación económica, social o de otra índole.

Switzerland (report, para. 90)

1. Peasants and other people working in rural areas have the right to the full enjoyment, ~~individually and collectively~~, of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on grounds such as **origin,** race, colour, descent, sex, language, culture, marital status, property, disability, nationality, age, political or other opinion, religion, birth or economic, social or other status.

Uruguay (report, para. 58)

1. Peasants and other people working in rural areas have the right to the full enjoyment, individually and collectively, of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments, free from **all forms of discrimination** ~~any kind of discrimination in the exercise of their rights based on grounds such as race, colour, descent, sex, language, culture, marital status, property, disability, nationality, age, political or other opinion, religion, birth or economic, social or other status~~.

LVC Europe

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a disfrutar plenamente, a título individual y colectivo, de todos los derechos humanos y libertades fundamentales que se reconocen en la Carta de las Naciones Unidas, la Declaración Universal de Derechos Humanos y otros instrumentos internacionales de derechos humanos, sin ningún tipo de discriminación en el ejercicio de sus derechos por motivos de raza, color, linaje, sexo, idioma, cultura, estado civil, **estatuto legal,** bienes, discapacidad, nacionalidad, edad, opinión política o de otra índole, religión, nacimiento o situación económica, social o de otra índole.

Chaudhry, expert

1. Peasants and other people working in rural areas have the right to the full enjoyment, individually and collectively, of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on grounds such as race, colour, descent, sex, language, culture, marital status, property, disability, nationality, age, political or other opinion, **place of residence, occupation/employment, sexual orientation, health status,** religion, birth or economic, social, or other status.

Golay, expert (report, para. 92)

1. Peasants and other people working in rural areas have the right to the full enjoyment, ~~individually and collectively~~ **alone or in association with others**, of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on grounds such as race, colour, descent, sex, language, culture, marital status, property, disability, nationality, age, political or other opinion, religion, birth or economic, social or other status.

Paragraph 2

EU

2. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination against peasants and ~~people~~ **persons** working in rural areas.

Chaudhry, expert

2. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination against peasants and people working in rural areas. **States should also take measures to investigate crimes of discrimination against peasants and other people working in rural areas and bring the perpetrators to justice.**

Article 4. Rights of peasant women and other women working in rural areas

Chaudhry, expert

Article 4. Rights of peasant women and other women working **and living** in rural areas

CSCR-PWESCR, comment

< We call on this Working Group to recognise rural women as individual rights holders and not just as victims of violence and not just as vulnerable group that needs to be protected and taken care of.

Recognise the role women play in providing care – child care, elderly care. States should invest in institutionalise care facilities also in rural areas.

Inclusion of access to scientific and technical knowledge in the draft declaration. We also would like the declaration to address the digital gap that rural community face especially rural women.>

Paragraph 1

Chaudhry, expert

1. States shall take all appropriate measures, **including through implementing and revising laws,** to eliminate **all forms of** discrimination against **rural** ~~peasant~~ women and other women working **and living** in rural areas in order to ensure, on the basis of equality between men and women, that they fully and equally enjoy all human rights and fundamental freedoms and that **they are able to** freely pursue, participate in and benefit from ~~rural~~ economic, social, **political** and cultural development.

Paragraph 2

Subparagraph (a)

EU: additional subparagraph

Subpara (a) (bis) **To purchase and dispose land on their own. They shall also be able to inherit land.**

Switzerland

(a) To participate ~~meaningfully~~, **equally and effectively** in the formulation and implementation of **gender-responsive** development planning at all levels;

Chaudhry, expert

(a) To participate meaningfully in **governance, including in** the formulation and implementation of development planning at all levels;

Subparagraph (b)

EU

(b) To have access **to the highest attainable standard of physical and mental health, including** to adequate health-care facilities, ~~including~~ information, counselling and services in family planning;

Guatemala: reservation

(e) Acceder a servicios adecuados de atención de la salud [, entre ellos los de información, asesoramiento y atención en materia de planificación familiar;]

Switzerland
(e) To have **equal** access to adequate health-care facilities, including information, counselling and services in family planning;

Chaudhry, **expert**
(e) To **health and to** have access to adequate **and culturally acceptable** health-care facilities, including information, counselling and services in **reproductive health and** family planning;

Subparagraph (e)

LO
e) To organize self-help groups, **associations** and cooperatives in order to obtain equal access to economic opportunities though employment or self-employment;

Subparagraph (g)

Guatemala: **reservation**
(g) Obtener acceso a los créditos y préstamos agrícolas, los servicios de comercialización y las tecnologías apropiadas[, y disfrutar, en condiciones de igualdad, de los derechos relativos a la tierra y los recursos naturales;]

Switzerland
(g) To have **equal** access to agricultural credit and loans, marketing facilities, appropriate technology, equal rights with regard to land and natural resources;

ILO
(g) To have access to **financial services such as savings,** ~~agricultural~~ credit ~~and loans~~, **leasing and insurance;** marketing facilities**;** **and,** appropriate technology, ~~equal rights with regard to land and natural resources~~;

Chaudhry, expert
(g) To have equal access to agricultural credit and loans, marketing facilities and appropriate technology, ~~equal rights with regard to land and natural resources~~;

Subparagraph (h)

Guatemala: **reservation**
(h) Poder, en condiciones de igualdad, acceder a la tierra y los recursos naturales, utilizarlos y controlarlos, independientemente de su estado civil [y de los sistemas de tenencia particulares, y beneficiarse de un trato igualitario o prioritario en el marco de la reforma agraria y de propiedad de la tierra y de los planes de reasentamiento;]

ILO
(h) To have equal **rights and** access to, use of and control over land and natural resources, independently of their civil and marital status and of particular tenure systems, and equal or priority treatment in land and agrarian reform and in land resettlement schemes;

Chaudhry, **expert**
(h) **To** have equal **rights to** access, **own**, use [of] and control [over] land and **other** natural resources **(including inter alia water bodies, fisheries, forests, seeds)**, independently of their civil and marital status and of particular tenure systems, and equal or priority treatment in land and agrarian reform and in land resettlement **and redistribution** schemes;

Subparagraph (i)

ILO
(i) To decent employment, equal remuneration **for work of equal value** and social **protection** ~~benefits~~, and to have access to income-generating activities;

Subparagraph (j)

[...]

(j) To be free from **all forms of** violence;

Switzerland

(j) To be free from violence; **including domestic violence, sexual violence and all other forms of gender-based violence, female genital mutilation and child early and forced marriage.**

Chaudhry, **expert**

(j) to be free from violence – **physical, mental, emotional, sexual and psychological; and to be free from forced/early marriage, trafficking, discriminatory stereotypes, and subordination;**

Subparagraph (k)

Egypt and Jordan: deletion (report, para. 103)

(k) [To be treated with equality and justice in marriage and in family relations, both in law and in private.]

Chaudhry, expert: additional sub-paragraphs

(k) (bis) **To adequate food and nutrition, including for the girl child and pregnant and lactating women.**

(k) (ter) **To equal rights to adequate housing, land, property and inheritance, as well as access to basic services. Secure titles to land, housing, and property should be provided in the names of women, wherever possible. States should endeavour to remove social, legal, and economic barriers that impede women's access to land, housing, property, and inheritance.**

(k) (quarter) **To adequate representation, including in government and municipal and local bodies.**

(k) (quinquies) **To information, participation, and adequate consultation, including through their full free prior and informed consent, regarding decisions that directly or indirectly impact them and their families.**

(k) (sexies) **To access justice and effective legal remedy and legal aid. Including safety/security to register/file complaints… where non-formal mechanisms for justice/dispute resolution exist, they should be brought in line with human rights standards and principles of gender equality.**

(k) (septies) **To child care services.**

(k) (octies) **To education, including secure and adequate facilities in schools/colleges.**

(k) (novies) **To disaster risk reduction, preparedness, and adequate relief/rehabilitation/reconstruction.**

Article 5. Rights to natural resources and the right to development

Switzerland, comment

«Il faudrait concilier l'article 5 paragraphe 1 du projet de déclaration avec la disposition de l'article 15 de la Convention sur la diversité biologique qui précise que : « étant donné que les États ont droit de souveraineté sur leurs ressources naturelles, le pouvoir de déterminer l'accès aux ressources génétiques appartient aux gouvernements et est régi par la législation nationale ».

On pourrait aussi utiliser le langage de l'article 9.2(b) du Traité international sur les ressources phytogénétiques pour l'alimentation et l'agriculture dans le paragraphe 1(c) du projet de déclaration ou éventuellement s'inspirer des formulations agrées dans le cadre de la Convention sur la diversité biologique et son Protocole de Nagoya.»

[...]

Article 9. ~~Rights~~ Access to natural resources and the right to development

Guatemala and Jordan: reservation to the whole article and the parts indicated in brackets

Paragraph 1

Legal

1. Peasants and other people working in rural areas have the right to have access to and to use the natural resources present in their communities that are required to enjoy adequate living conditions. They have the right to participate in the management of these resources and to enjoy the benefits of their development and conservation in their communities **in accordance with national laws and legislation**.

[ ]

1. Peasants and other ~~people~~ **persons** working in rural areas **should** have ~~the right to have access~~ to and ~~to~~ use of the natural resources present in their communities that are required to enjoy adequate living conditions. They have the right to ~~participate in~~ **be consulted about** the management of these resources and to enjoy the benefits of their development and conservation in their communities.

Jordan

1. [Peasants and other people working in rural areas have the right to have access to and to use the natural resources present in their communities that are required to enjoy adequate living conditions. They have the right to participate in the management of these resources and to enjoy the benefits of their development and conservation in their communities.]

Switzerland

1. Les paysans et les autres personnes travaillant dans les zones rurales ont le droit d'avoir accès aux ressources naturelles présentes dans leur communauté dont ils ont besoin pour s'assurer un niveau de vie convenable et de les utiliser. ~~Ils ont le droit de participer à la gestion de ces ressources et de bénéficier des avantages de leur mise en valeur et de leur conservation au sein de leur communauté.~~ **Les paysans et les autres personnes travaillant dans les zones rurales ont le droit de participer équitablement au partage des avantages découlant de l'utilisation des ressources phytogénétiques pour l'alimentation et l'agriculture.**

Peru

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a acceder al **aprovechamiento de** los recursos naturales presentes en su comunidad y necesarios para gozar de condiciones de vida adecuadas, y a utilizar dichos recursos. Tienen derecho a participar en la gestión de estos recursos y a disfrutar de los beneficios de su desarrollo y conservación en su comunidad.

WASHP report, para. 114:

1. Peasants and other people working in rural areas have the right to have access to and to use the natural resources ~~present in their communities~~ **where these communities are based** that are required to enjoy adequate living conditions. They have the right to participate in the management of these resources and to enjoy the benefits of their development and conservation in their communities.

Chaudhry, expert

1. Peasants and other people working in rural areas have the right **have to** access to and to use the natural resources present in their communities that are required to enjoy adequate living conditions. They have the right to participate in the management of these resources and to enjoy the benefits of their development and conservation in their communities.

Paragraph 2

[ ]

2. Peasants and other ~~people~~ **persons** working in rural areas have the right to determine and to develop priorities and strategies for exercising their right to development.

Chaudhry, expert

2. Peasants and other people working in rural areas have the right to development and to determine and to develop priorities and strategies for exercising their right to development.

Paragraph 3

[...]

3. States shall take measures to ensure that any exploitation of the natural resources that peasants and other people persons working in rural areas traditionally hold or use is permitted based on:

Chaudhry, expert

3. States shall take measures to ensure that any **over**exploitation of the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based **only upon**:

Subparagraph (a)

[...]

(a) A social and environmental impact assessment duly conducted by technically capable and independent entities, with the individual and collective involvement of peasants and other people persons working in rural areas;

[WIEGER]

(a) A social and environmental impact assessment **that includes gender indicators** duly conducted by technically capable and independent entities, with the individual and collective involvement of peasants and other people working in rural areas;

Switzerland (report, para. 115)

(a) A social, **economic** and environmental impact assessment duly conducted by technically capable and independent entities, with the individual and collective involvement of peasants and other people working in rural areas;

Chaudhry, expert

(a) A social **human rights-based** and environmental impact assessment duly conducted by technically capable and independent entities, with the individual and collective involvement of peasants and other people working in rural areas;

Subparagraph (b)

[...]

(b) Consultations in good faith to obtain the free, prior and informed consent of peasants and other people persons working in rural areas;

[CAT]

(b) Consultations in good faith to obtain the free, prior and informed consent of peasants and other people working in rural areas;

Guatemala: **reservation**

(b) [Consultas celebradas de buena fe para obtener el consentimiento libre, previo e informado de los campesinos y de otras personas que trabajan en las zonas rurales;]

Chaudhry, expert

(b) Consultations in good faith to obtain the **full** free, prior and informed consent of peasants and other people working in rural areas;

(b) (bis) **Adequate and timely information, provided in advance, in a culturally acceptable manner in the local language;**

Subparagraph (c)

Chaudhry, expert: additional sub-paragraph

(c) (bis) **Mechanisms for grievance redress, reparation, and restitution.**

[WIEGER: move paragraph

3 (bis) **No involuntary displacement in the name of development and special economic zone and commercialization of agriculture.**

Article 6. Right to life, liberty and security of person

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right to life, physical and mental integrity, liberty and security of person.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas shall not be subjected to arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, and shall not be held in slavery or servitude.

CSCR-PWESCR

2. Peasants and other people working in rural areas shall not be subjected to arbitrary arrest or detention, torture, **sexual violence** or other cruel, inhuman or degrading treatment or punishment, and shall not be held in slavery or servitude.

Article 7. Freedom of movement

Switzerland, comment

<Nous aimerions souligner que le paragraphe 3 de l'article 7, devrait être en ligne et possiblement reprendre le langage des Directives volontaires pour une Gouvernance responsable des régimes fonciers de la FAO.>

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right to recognition everywhere as persons before the law.

Paragraph 2

EU

2. States shall take appropriate measures, including by means of international agreements **and as defined by national legislation**, to facilitate the freedom of movement of peasants and other ~~people~~ **persons** working in rural areas, and in particular pastoralists, fisher-folk, and migrant and seasonal agricultural workers, including across borders.

Chaudhry, expert:

2. States shall take appropriate measures, including by means of international agreements, to facilitate the freedom of movement of peasants and other people working in rural areas, and in particular pastoralists, fisher-folk, **nomadic and semi-nomadic communities,** and migrant and seasonal agricultural workers, including across borders.

Paragraph 3

EU

3. States shall cooperate to address transboundary tenure issues affecting peasants and other ~~people~~ **persons** working in rural areas, ~~such as indigenous peoples,~~ and those relating to rangelands or seasonal migration routes of pastoralists, and fishing grounds of small-scale fishers, that cross international boundaries.

Guatemala: reservation

3. Los Estados cooperarán para tratar las cuestiones relativas a la tenencia [transfronteriza] que afectan a los campesinos y a otras personas que trabajan en las zonas rurales[, como los pueblos indígenas,] y las relativas a los pastizales o las rutas de

migración estacional de los pastores y los caladeros de las pequeñas explotaciones pesqueras que atraviesan fronteras internacionales.

Article 8. Freedom of thought, opinion and expression

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right to freedom of thought, conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, including through claims, petitions and mobilizations, at the local, regional, national and international levels.

KWPA

1. Peasants and other people working in rural areas have the right to freedom of thought, conscience, religion, opinion, expression and ~~peaceful~~ assembly. They have the right to express their opinion, including through claims, petitions and mobilizations, at the local, regional, national and international levels.

Chaudhry, expert

1. Peasants and other people working in rural areas have the right to freedom of thought, **belief,** conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, **according to their cultural practices and beliefs,** including through claims, petitions and mobilizations, at the local, regional, national and international levels.

1 (bis) **Efforts should be made to provide them with avenues and opportunities to express themselves and make their voices heard.**

1 (ter) **There should also be protection of their right to protect, to dissent and the right to refuse/object to development or other infrastructure projects that threaten their lives, lands, and livelihoods.**

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas have the right, ~~individually and collectively~~, to participate in peaceful activities against violations of human rights and fundamental freedoms.

Guatemala: reservation

2. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho[, individual y colectivamente,] a participar en actividades pacíficas contra las violaciones de los derechos humanos y las libertades fundamentales.

Claeys, expert

2. Peasants and other people working in rural areas have the right, ~~individually and collectively~~ **alone, or in association with others or as a community or group as such [or] alone, or in association with others or as a community**, to participate in peaceful activities against violations of human rights and fundamental freedoms.

KWPA

2. Peasants and other people working in rural areas have the right, individually and collectively, to participate in ~~peaceful~~ activities against violations of human rights and fundamental freedoms.

Paragraph 3

Guatemala: reservation

3. Los Estados adoptarán todas las medidas necesarias para garantizar la protección, por las autoridades competentes, de toda persona**[, individual o colectivamente,]** frente a toda violencia, amenaza, represalia, discriminación de derecho o de hecho, presión o

cualquier otra acción arbitraria resultante del ejercicio legítimo y la defensa de los derechos descritos en la presente Declaración.

Article 9. Freedom of association

PWESCR comment:
<Recognize and support all the multiple forms of organising/membership based associations, collectives and cooperatives of women farmers in rural areas; e.g. cooperatives, producer companies, collectives and unions in rural areas.>

Paragraph 1

EU:
1. Peasants and other ~~people~~ **persons** working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing for the protection of their interests. Such organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.

ILO:
1. Peasants and other people working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing for the protection of their interests **and to bargain collectively**. Such organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.

EU:
1. Peasants and other people working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing for the protection of their interests **and to bargain collectively**. Such organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.

Paragraph 2

Guatemala: reservation
2. Los Estados adoptarán las medidas adecuadas para apoyar a las cooperativas y otras organizaciones de campesinos y de otras personas que trabajan en las zonas rurales, en particular con miras a eliminar los obstáculos a su establecimiento, a su crecimiento y al ejercicio de [sus] actividades lícitas, como la discriminación legislativa o administrativa de todo tipo que se ejerza contra dichas organizaciones y sus miembros[, y les proporcionarán apoyo para fortalecer su posición en la negociación de arreglos contractuales, a fin de asegurar que las condiciones y los precios sean justos y estables y que no vulneren sus derechos a la dignidad, a llevar una vida digna y a disponer de medios de vida sostenibles.]

ILO:
2. States shall take appropriate measures to support ~~cooperatives and other~~ organizations of peasants and other people working in rural areas, **including unions, and cooperatives and other organizations of the social and solidarity economy**, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of their lawful activities, including any legislative or administrative discrimination against such organizations and their members, and provide them with support to strengthen their position when negotiating contractual arrangements in order to ensure that conditions and prices are fair and stable and do not violate their rights to dignity, a decent life and a sustainable livelihood.

EU:
2. States shall take appropriate measures to ~~support cooperatives and other organizations of peasants and other people working in rural areas~~ **stimulate (or actively encourage if the preference is to maintain the language of ILO C141) the establishment of organisations of peasants and other people working in rural areas**

including trade unions and cooperatives, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of their lawful activities, including any legislative or administrative discrimination against such organizations and their members, and provide them with support to strengthen their position when negotiating contractual arrangements in order to ensure that conditions and prices are fair and stable and do not violate their rights to dignity, a decent life and a sustainable livelihood.

Article 10. Right to participation

EU

Article 10. ~~Right to~~ Participation

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right to active, free, effective, meaningful and informed participation, directly and/or through their representative organizations, in the formulation, implementation and assessment of policies, programmes and projects that may affect their lives, land and livelihoods.

Guatemala: reservation

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a la participación activa, libre[, efectiva, significativa e informada], directamente o por conducto de sus organizaciones representativas, en la formulación aplicación y evaluación de políticas, programas y proyectos que afecten a su vida, sus tierras y sus medios de subsistencia.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas ~~have the right to~~ **should** participate, directly and/or through their representative organizations, in the formulation of and in monitoring compliance with food safety, labour and environmental standards, whether by private or public actors.

Guatemala: reservation

2. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a participar, directamente o por conducto de sus organizaciones representativas, en la formulación de **[normas]** sobre seguridad alimentaria, trabajo y medio ambiente [y en la vigilancia del cumplimiento de estas, ya sea por agentes privados o públicos.]

Paragraph 3

Egypt (report, para. 136)

3. States shall take adequate measures to ensure meaningful and effective participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that affect their lives, land and livelihoods, including by facilitating the establishment and growth of strong and independent organizations of peasants and other people working in rural areas, **in accordance with national law and legislation**.

EU

3. States shall take adequate measures to ensure meaningful and effective participation, directly and/or through their representative organizations, of peasants and other ~~people~~ **persons** working in rural areas in decision-making processes that affect their lives, land and livelihoods, including by facilitating the establishment and growth of strong and independent organizations of peasants and other ~~people~~ **persons** working in rural areas.

Guatemala: **reservation**

3. Los Estados adoptarán las medidas adecuadas para asegurar la participación [significativa y efectiva] de los campesinos y de otras personas que trabajan en las zonas rurales, directamente o a través de sus organizaciones representativas, en los procesos de

toma de decisiones que afecten a su vida[, su tierra y sus medios de subsistencia], entre otras cosas [facilitando] el establecimiento y desarrollo de organizaciones fuertes e independientes de campesinos y otras personas que trabajan en las zonas rurales.

LVC (report, para. 138)
3 States shall take adequate measures to ensure meaningful and effective participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that affect their lives, land and livelihoods, including by ~~facilitating~~ **respecting** the establishment and growth of strong and independent organizations of peasants and other people working in rural areas. Add that one of the central issues is the right to participate in shaping our public policies.

Article 11. Right to information with regard to production, marketing and distribution

EU
Article 11. ~~Right to~~ Information with regard to production, marketing and distribution

Chaudhry, expert
Article 11. Right to information with regard to production, marketing and distribution

Paragraph 1

EU
1. Peasants and other ~~people~~ **persons** working in rural areas have the right to seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products.

Chaudhry, expert:
1. Peasants and other people working in rural areas have the right **to information and to** seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products.

Paragraph 2

EU
2. States shall adopt appropriate measures to ensure that peasants and other ~~people~~ **persons** working in rural areas have access to transparent, timely and adequate information in a language and form and through means adequate to their cultural methods that ensure the effective participation in decision-making in matters that may affect their lives, lands and livelihoods.

Guatemala: reservation
2. Los Estados adoptarán medidas apropiadas para garantizar que los campesinos y otras personas que trabajan en las zonas rurales tengan acceso a información transparente, oportuna y suficiente, en un idioma y un formato y por unos medios que se ajusten a sus métodos culturales y aseguren la participación [efectiva] en las decisiones sobre cuestiones que afecten a su vida [, sus tierras y sus medios de subsistencia.]

Chaudhry, expert:
2. States shall adopt appropriate measures to ensure that peasants and other people working in rural areas have access to transparent, timely and adequate information in a language and form and through means adequate to their cultural methods that ensure **their** effective participation in decision-making in matters that may affect their lives, lands and livelihoods.

Paragraph 3

EU
3. Peasants and other ~~people~~ **persons** working in rural areas have the right to a fair and impartial system of evaluation and certification of the quality of their products, at the local,

nation and international levels, and have the right not to accept certification mechanisms established by transnational corporations.

Guatemala: reservation

3. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a un sistema justo e imparcial de evaluación y certificación de la calidad de sus productos, en los planos local, nacional e internacional [, y a rechazar los mecanismos de certificación establecidos por las empresas transnacionales.]

Peru

3. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a un sistema justo e imparcial de evaluación y certificación de la calidad de sus productos, en los planos local, nacional e internacional, y a **decidir a qué ~~rechazar los~~** mecanismos de certificación establecidos por las empresas transnacionales **o los establecidos o adaptados por su Gobierno**.

Claeys, expert

3. Peasants and other people working in rural areas have the right to a fair and impartial system of evaluation and certification of the quality of their products, at the local, national and international levels, and ~~have the right not to accept certification mechanisms established by transnational corporations~~ **have the right to inspection, certification and guarantee systems that are appropriate for different scales, contexts and modes of production and marketing and to participate in their elaboration**

Article 12. Access to justice

Guatemala, comment: preference for the previous formulation of paragraph 2.

El Salvador, comment: the draft declaration should give an indication of what States need to do to strengthen national human rights institutions and that reference to the Paris Principles could be made.

Sindicato Andaluz de Trabajadores y Trabajadoras, comment

<Consideramos que *"Los Estados adoptarán debe de adoptar este artículo con especial referencia al* acceso a abogados y procuradores por sistemas eficaces de justicia gratuita, en todos los fueros y para todas las personas, independientemente de su situación jurídica.">

Paragraph 1

EU:

1. ~~Peasants and other people working in rural areas have the right to have access to and prompt decision through just and fair procedures for the resolution of disputes, and to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to their customs, traditions, rules and legal systems in conformity with human rights standards.~~ **Peasants and other persons working in rural areas should have access to fair procedures for the resolution of disputes, and to effective remedies. They shall have the right to effective and non-discriminatory access to justice. States shall encourage and promote the use of alternative dispute resolution**.

Egypt (report, para. 143)

1. Peasants and other people working in rural areas have the right to have access to and prompt decision through just and fair procedures for the resolution of disputes, and to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to their customs, traditions, rules and legal systems in conformity with ~~human rights standards~~ **relevant obligations under international human rights law**.

Guatemala: reservation

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a acceder a procedimientos justos y equitativos de solución de controversias en los que se adopten decisiones con prontitud, así como a medidas de reparación efectivas siempre que

se vulneren sus derechos [individuales o colectivos. En esas decisiones se tomarán debidamente en consideración sus costumbres, tradiciones, normas y sistemas jurídicos, de conformidad con las normas de derechos humanos.]

Paragraph 2

Guatemala: **reservation**

2. [Los Estados permitirán el acceso sin discriminaciones, mediante organismos judiciales y administrativos imparciales y competentes, a medios de solución de controversias, en el idioma de las personas afectadas y que sean oportunos, asequibles y efectivos; asimismo, proporcionarán con prontitud recursos efectivos, que podrían incluir los derechos de apelación, restitución, indemnización, compensación y reparación.]

Chaudhry, expert

2. States shall ~~allow for~~ **provide** non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes in the language of the persons concerned, and shall provide effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation.

Paragraph 3

EU

3. Peasants and other ~~people~~ **persons** working in rural areas have the right to legal assistance. States shall consider additional measures for peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.

LVC India

3. Peasants and other people working in rural areas have the right to legal assistance. States shall ~~consider additional measures~~ **take adequate measures for free legal aid to** ~~for~~ peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.

Chaudhry, expert

3. Peasants and other people working in rural areas have the right **to remedy, including** legal assistance and **effective legal aid**. States shall consider additional measures for peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.

Paragraph 4

EU:

4. ~~States shall strengthen the mandates and the functioning of national human rights institutions, in particular in rural areas.~~ **Encourages Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action**.

Guatemala: reservation

4. [Los Estados reforzarán el mandato y el funcionamiento de las instituciones nacionales de derechos humanos en las zonas rurales.]

EU

4. States shall provide peasants and other ~~people~~ **persons** working in rural areas with effective mechanisms for the prevention of and redress for any action that has the aim or effect of dispossessing them of their land and natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement, ~~forced assimilation or integration~~.

Guatemala: **reservation**

4. [Los Estados proporcionarán a los campesinos y otras personas que trabajan en las zonas rurales mecanismos eficaces para prevenir y resarcir todo acto que tenga por objeto o consecuencia despojarlos de sus tierras y recursos naturales o privarlos de sus medios de

subsistencia y de su integridad, y toda forma de sedentarización forzada o traslado, asimilación o integración forzados de población.]

Chaudhry, **expert**

4. States shall provide peasants and other people working in rural areas with effective mechanisms for the prevention of and redress for any action that has the aim or effect of dispossessing them of their land and natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement, forced assimilation or integration, **as well as people living under foreign or other occupation, and in situations of armed conflict.**

Article 13. Right to work

EU

Article 13. Right to work, **which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts**

ILO

Article 13. Right to **decent** work

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right to work, which includes the right to choose freely the way they earn their living.

South Center

1. Peasants and other people working in rural areas, **seasonal and migrant workers,** have the right to work, which includes the right to choose freely the way they earn their living

Paragraph 2

Egypt

2. States shall create an enabling environment with opportunities for work and that provides remuneration allowing for an adequate standard of living for peasants and other people working in rural areas and their families. ~~In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote food systems that are sufficiently labour-intensive to contribute to the creation of employment~~.

2 (bis) **In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote food systems that are sufficiently labour-intensive to contribute to the creation of employment**.

Guatemala: **reservation**

2. Los Estados crearán un entorno favorable con oportunidades de trabajo y en el que se ofrezca una remuneración que permita a los campesinos y otras personas que trabajan en las zonas rurales y a su familia mantener un nivel de vida adecuado. **[Los Estados que registren niveles elevados de pobreza rural y carezcan de oportunidades laborales en otros sectores adoptarán medidas adecuadas para crear y fomentar sistemas alimentarios con una densidad de mano de obra suficiente para contribuir a la creación de empleo.]**

ILO

2. States shall create an enabling environment with opportunities for **decent** work ~~and~~ that provides remuneration allowing for an adequate standard of living for peasants and other people working in rural areas and their families. In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote ~~food systems~~ **agricultural markets** that are sufficiently labour- intensive to contribute to the creation of **decent** employment.

Paragraph 3

EU

3. States, taking into account the specific characteristics of peasant agriculture and small-scale fisheries, shall monitor compliance with labour legislation by allocating appropriate resources to ensuring the effective operation of labour inspectorates, **as appropriate,** in rural areas.

Chaudhry, expert

3. States, taking into account the specific characteristics of peasant agriculture and small-scale fisheries, shall monitor compliance with labour legislation by allocating appropriate resources to ensuring the effective operation of labour inspectorates in rural areas. **States shall recognise the contribution of women's work and ensure equal pay for work of equal value.**

Paragraph 4

ILO

4. No one shall be required to perform forced, bonded or compulsory labour, **be a victim of human trafficking or be held in any other form of contemporary slavery**. States shall, in consultation and cooperation with peasants and other people working in rural areas and their representative organizations, take appropriate measures to protect them from **all forms of contemporary slavery,** ~~economic exploitation~~, including debt bondage of women, men and children, and forced labour of fishers and fish workers, including seasonal and migrant workers.

Chaudhry, expert

4. No one shall be required to perform forced, bonded or compulsory labour. States shall, in consultation and cooperation with peasants and other people working in rural areas and their representative organizations, take appropriate measures to protect them from economic exploitation, including debt bondage of women, men and children, **child labour**, and forced labour of fishers and fish workers, **forest workers** including seasonal and migrant workers. **States shall develop and implement laws to abolish all forms of forced/bonded labour.**

ILO: additional paragraph

4 (bis) **Child labour, defined in the relevant ILO fundamental Conventions as types of work that the child concerned is too young to perform and that interfere with his or her compulsory education, should be prohibited and eliminated. All children under the age of 18 years should be protected from hazardous work or other worst forms of child labour.**

Sindicato Andaluz de Trabajadores y Trabajadoras: Additional paragraph

4 (ter) **Los Estados deberian de tomar medidas a fin de que las regulaciones administrativas no anulen ni limiten arbitrariamente el derecho a trabajar para los temporeros migrantes, y procuren mecanismos de empleo público para aquellos temporeros que por situación de precariedad o marginalización no pudieran acceder a un empleo.**

Article 14. Right to safety and health at work

PWESCR, comment

<Please add: Childcare facility in this article. Without child care rural women cannot participate in productive work.

States should provide safe affordable public transport in rural areas to ensure safety of rural women going to work.>

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers and of their legal status, **as defined by national legislation,** have the right to work in safe and healthy conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, to have access to adequate and appropriate protective clothing and equipment and health and safety training, to work free from harassment and violence and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health.

ILO

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers and of their legal status, have the right to work in safe and healthy conditions~~,~~: to participate in the application and review of safety and health measures~~,~~; to select safety and health representatives and representatives in safety and health committees~~,~~; to have access to adequate and appropriate protective clothing and equipment **at no cost** and **to adequate information and training on occupational safety and** health ~~and safety training~~, **and measures to prevent, reduce and control hazards and risks; to participate and cooperate in exposure monitoring and health surveillance programmes; and, without suffering an adverse employment action for exercising such rights, to report unsafe and unhealthy working conditions, or non-compliance with safety and health regulations or codes of practice;** to work free from harassment and violence and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health.

IUF

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers and of their legal status, have the right to work in safe and healthy conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, to have access to adequate and appropriate protective clothing and equipment and health and safety training, to work free from harassment, **including sexual harassment**, and violence and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health. **They shall not be placed at any disadvantage as a result removing themselves from danger.**

CSCR-PWESCR

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers and of their legal status, have the right to work in safe and healthy conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, to have access to adequate and appropriate protective clothing and equipment and health and safety training, to work free from **all forms of** harassment **including sexual harassment** and violence and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas have the right not to use or to be exposed to agro-chemicals or agricultural or industrial pollutants.

ILO

2. Peasants and other people working in rural areas have the right not to use or to be exposed to ~~agro-chemicals or agricultural or industrial pollutants~~ **hazardous substances or toxic chemicals.**

Chaudhry, expert

2. Peasants and other people working in rural areas have the right not to use or to be exposed to agro-chemicals, **pesticides,** or agricultural or industrial pollutants.

Paragraph 3

India

3. States shall take appropriate measures to protect the above-mentioned rights, and shall in particular designate an ~~*authority*~~ ***appropriate competent authorities*** responsible and establish mechanisms for intersectoral coordination, for the implementation of policies and enforcement of national laws and regulations on occupational safety and health in agriculture, the agro-industry and fisheries, provide for corrective measures and appropriate penalties, and establish and support adequate and appropriate systems of inspection for rural workplaces, in accordance with relevant instruments of the International Labour Organization.

ILO

3. In accordance with relevant instruments of the International Labour Organization, States shall take appropriate measures to protect the above-mentioned rights, by establishing and maintaining a national system for occupational safety and health that covers all sectors, includes all workers in the rural economy, irrespective of their gender and employment status, and promotes a national preventive occupational safety and health culture. ~~*and shall*~~ *(*In particular States shall designate an authority responsible and establish mechanisms for intersectoral coordination, for the implementation of policies and enforcement of national laws and regulations on occupational safety and health in agriculture, the agro-industry and fisheries, provide for corrective measures and appropriate penalties, and establish and support adequate and appropriate systems of inspection for rural workplaces, ~~*in accordance with relevant instruments of the International Labour Organization*~~.

Paragraph 4

Subparagraph (a)

ILO:

(a) ante **The establishment and maintenance of a *reporting* system *for recording* and noting occupational accidents, diseases and dangerous injuries;**

(a) ante **The development and operation of an occupational safety and health education and training system addressing the needs of the rural economy;**

(a) An appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging, **distribution,** ~~**and**~~ labelling **and use** of chemicals used in agriculture, and for their banning or restriction;

Subparagraph (c)

ILO

(c) There is a suitable system for the **tracking,** ~~**safe**~~ collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to ~~*avoid*~~ ***prevent*** their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment;

Subparagraph (d)

ILO: additional sub-paragraphs

(d) (bis) **That systems *are in place to: prohibit or restrict the use of certain hazardous processes or substances in agriculture; require advance notification and authorization before hazardous processes and substances are used; protect vulnerable workers by specifying whether and under what conditions such workers may be exposed to such processes or substances;***

(d) (ter) **That employers fulfil their duty to provide and maintain safe and healthy workplaces, plant, tools and other working equipment; organize work to prevent, as far as reasonably practicable occupational accidents and diseases; and apply relevant standards, codes and guidelines as prescribed, approved or recognized by the State.**

LVC : additional sub-paragraphs
(d) (quater) **promouvoir et assurer que les technologies, les produits chimiques et les pratiques agricoles ne vont pas mettre en danger la santé et la sécurité dans l'environnement du travail.**

Article 15. Right to food and food sovereignty

FIAN, comment
«FIAN propone que de no ser posible regresar a la versión anterior, se reordenen los párrafos en el Artículo 15 de la versión actual con miras a una clara delimitación de ambos derechos, propuesta que haremos llegar por escrito al grupo de trabajo.»

Switzerland, comment
«On pourrait examiner la possibilité de remplacer le concept de « souveraineté alimentaire » par du langage agréé de l'Objectif 12 de l'Agenda 2030 de développement durable visant à établir des modes de consommation et de production durables.»

EU
Article 15. Right to **adequate** food **and food sovereignty**

Guatemala: reservation to the whole article and the parts indicated in brackets
Artículo 15. Derecho a la alimentación [y a la soberanía alimentaria]

Peru
Article 15. Right to food and food **sovereignty security**

Paragraph 1

EU
1. Peasants and other **people persons** working in rural areas have the right to adequate food and the fundamental right to be free from hunger. This includes the right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development.

Paragraph 2

EU: delete paragraph 2
2. [Peasants and other people working in rural areas have the right to food sovereignty. Food sovereignty is the right of peoples to healthy and culturally appropriate food produced by means of socially just and ecologically sensitive methods. It entails the right to participate in decision-making and to determine one's own food and agriculture systems.]

Guatemala: reservation
2. [Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a la soberanía alimentaria. La soberanía alimentaria es el derecho de los pueblos a una alimentación saludable y culturalmente apropiada, producida mediante métodos socialmente justos que tengan en cuenta consideraciones ecológicas. Entraña el derecho a participar en la toma de decisiones y a definir los propios sistemas de alimentación y agricultura.]

Peru
2. Peasants and other people working in rural areas have the right to food **sovereignty security**. Food **sovereignty security** is the right of peoples to healthy and culturally appropriate food produced by means of socially just and ecologically sensitive methods. It entails the right to participate in decision-making and to determine one's own food and agriculture systems.

Paragraph 3

Legal

3. States shall formulate, in partnership with peasants and other people working in rural areas, public policies to advance and protect ~~food security~~ [or] ~~food sufficiency~~ at the local, national, regional and international levels, and mechanisms for ensuring coherence with other agricultural, economic, social, cultural and development policies.

[ ]

3. States shall formulate, in partnership with peasants and other ~~people~~ **persons** working in rural areas, public policies to advance and protect ~~food sovereignty~~ **adequate food** at the local, national, regional and international levels, and mechanisms for ensuring coherence with other agricultural, economic, social, cultural and development policies.

~~Guatemala~~ **reservation**

3. [Los Estados, en asociación con los campesinos y otras personas que trabajan en las zonas rurales, formularán políticas públicas para promover y proteger la soberanía alimentaria a nivel local, nacional, regional e internacional, así como mecanismos para garantizar la coherencia con otras políticas agrícolas, económicas, sociales, culturales y de desarrollo.]

India

3. States shall formulate, in partnership with peasants and other people working in rural areas, public policies to advance and protect ~~food sovereignty~~ **the right to food and to be free from hunger** at the local, national, regional and international levels, and mechanisms for ensuring coherence with other agricultural, economic, social, cultural and development policies.

Peru

3. States shall formulate, in partnership with peasants and other people working in rural areas, public policies to advance and protect ~~food sovereignty~~ **security** at the local, national, regional and international levels, and mechanisms for ensuring coherence with other agricultural, economic, social, cultural and development policies.

Paragraph 4

[ ]

4. States shall ensure that peasants and other ~~people~~ **persons** working in rural areas enjoy ~~the right to~~ physical and economic access at all times to sufficient **and** adequate ~~and culturally acceptable~~ food that is produced and consumed sustainably and equitably, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and collectively.

~~Guatemala~~ **reservation**

4. [Los Estados velarán por que los campesinos y otras personas que trabajan en las zonas rurales gocen del derecho a acceder [material y económicamente], en todo momento, a una alimentación adecuada [y culturalmente aceptable] que se produzca y se consuma de manera sostenible y equitativa, preservando así el acceso a la alimentación para las generaciones futuras, y que les garantice una vida digna y satisfactoria tanto física como mentalmente, de manera individual y colectiva.]

Switzerland

4. States shall ensure that peasants and other people working in rural areas enjoy the right to physical and economic access at all times to sufficient **and** adequate ~~and culturally acceptable~~ food that is produced and consumed sustainably and equitably, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and collectively.

Paragraph 9

Chamber, expert

9. States shall take appropriate measures to combat malnutrition in rural children ~~and women~~, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food

and by ensuring that women have adequate nutrition during pregnancy and lactation. States shall also ensure that all segments of society, in particular parents and children, are informed, have access to nutritional education and are supported in the use of basic knowledge on child nutrition and the advantages of breastfeeding.

5 *chis* **States should take measures to prevent discrimination in access to food and means of food production.**

Article 16. Right to a decent income and livelihood and the means of production

EU

Article 16. Right to a decent income and livelihood and **access to** the means of production

Guatemala: **reservation to the whole article and the parts indicated in brackets**

Artículo 16. Derecho a unos ingresos y unos medios de vida dignos [y a los medios de producción]

Paragraph 1

EU

1. Peasants and other **people persons** working in rural areas have the right to a decent income and livelihood for themselves and their families, and **access** to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They have also the right to use ~~individually and collectively~~ traditional ways of farming, fishing and livestock rearing, and to develop community-based commercialization systems.

Guatemala: **reservation**

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a unos ingresos y unos medios de vida dignos para sí mismos y para su familia[, y a disponer de los medios de producción necesarios para obtenerlos, entre ellos] las herramientas de producción, la asistencia técnica, los créditos, los seguros y otros servicios financieros. Tienen también derecho a emplear[, individual y colectivamente,] métodos tradicionales de agricultura, pesca y ganadería, y a desarrollar sistemas de comercialización comunitarios.

Nunez Franco, expert

1. Peasants and other people working in rural areas have the right to a decent income and livelihood for themselves and their families, and **access** to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They have also the right to use ~~individually and collectively~~ **alone and in association with others/community** traditional ways of farming, fishing and livestock rearing, and to develop community-based commercialization systems.

Chaudhry, expert

1. Peasants and other people working in rural areas have the right to a decent income and livelihood for themselves and their families, and to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They have also the right to use individually and collectively traditional ways of farming, fishing and livestock rearing, **forestry,** and to develop community-based commercialization systems.

Paragraph 2

EU

2. Peasants and other **people persons** working in rural areas have the right to the means of transportation, and processing, drying and storage facilities necessary for selling their products on local, national, and regional markets at prices that guarantee them a decent income and livelihood.

Chaudhry, expert

2. Peasants and other people working in rural areas have the right to the means of transportation, and processing, drying and storage facilities necessary for selling their products on local, national, and regional markets at prices that guarantee them a decent income and livelihood, and **fair wages for agricultural workers.**

Paragraph 3

EU

3. States shall take appropriate measures to strengthen and support local, national and regional markets in ways that facilitate, and ensure that peasants and other **people persons** working in rural areas have, full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living. ~~**Prices should be set through a fair and transparent process that involves peasants and other people working in rural areas and their organizations.**~~

Guatemala: reservation

3. Los Estados adoptarán medidas adecuadas para reforzar y apoyar los mercados locales, nacionales y regionales, en formas que faciliten y garanticen que los campesinos y otras personas que trabajan en las zonas rurales tengan acceso pleno y equitativo a esos mercados y participen de igual manera en ellos para vender sus productos a unos precios que les permitan, a ellos y a su familia, alcanzar un nivel de vida adecuado. **[Los precios se fijarán mediante un proceso justo y transparente en el que participen los agricultores y otras personas que trabajan en las zonas rurales, así como sus organizaciones.]**

FIAN

3. States shall take appropriate measures to strengthen and support local, national and regional markets in ways that facilitate, and ensure that peasants and other people working in rural areas have, full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living. Prices should be set through a fair and transparent process that involves peasants and other people working in rural areas and their organizations. **These prices are set through a fair and transparent process involving all the actors of the sector, including peasant, consumer and agricultural** [sic].

3.(bis) **States shall, together, modify the current rules of agricultural international trade, so that they can comply with the obligations stated in paragraph 2 through appropriate agricultural and trade policies, and implement food sovereignty**

LVC

3. States shall take appropriate measures to strengthen and support **territorial,** local, national and regional markets **as public utility services** in ways that facilitate, and ensure that peasants and other people working in rural areas have, full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living. Prices should be set through a fair and transparent process that involves peasants and other people working in rural areas and their organizations.

Paragraph 4

ILO

4. States shall take all measures to ensure that their rural development, **employment, social protection,** agricultural, environmental, trade and investment policies and programmes contribute effectively to strengthening local livelihood options and to the transition to environmentally sustainable modes of agricultural production. States shall stimulate agroecological, organic and sustainable production whenever possible, and facilitate direct farmer-to-consumer sales. **They should also promote decent non-farm employment opportunities in the rural economy.**

Chaudhry, expert

4. States shall take all measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to **protecting and** strengthening local livelihood options and to the transition to environmentally sustainable modes of agricultural production. States shall stimulate

agroecological, organic and sustainable production whenever possible, and facilitate direct farmer-to-consumer sales.

Paragraph 5

Guatemala: reservation
5. Los Estados adoptarán las medidas adecuadas para reforzar la resiliencia de los campesinos frente a los desastres naturales y otras graves perturbaciones [, como los fallos del mercado.]

LVC
5. States shall take appropriate measures to strengthen the resilience of peasants against natural disasters and other severe disruptions, such as market failures **by creating agricultural compensation funds.**

ILO: **additional paragraph**
5 (bis) **States shall take appropriate measures to ensure payment of decent wages for all workers in agriculture, including migrant and seasonal workers, who regardless of their contractual arrangements or legal status are in an employment relationship on plantations and farms, in aquaculture and in agro-industrial enterprises. The payment should be made directly to the worker, in cash, and on a regular basis and in accordance with national laws and regulations and in line with the relevant international labour standards.**

ILE: additional paragraph
5 (ter) **States shall take appropriate measures to ensure payment of decent wages for all employed in agriculture. The payment should be made on a regular basis and in accordance with national laws and regulations and in line with the international labour standards.**

Article 17. Right to land and other natural resources

Geneva Academy, comment
«In defining the right to land and other natural resources in the UN Declaration, negotiators should include the following core elements of this right, possibly using agreed language found in other international instruments, including the CEDAW Convention, the UN Declaration on the rights of indigenous peoples, the Tenure Guidelines, and the Small-Scale Fisheries Guidelines»

EU
Article 17. ~~Right~~ **Access** to land and other natural resources

Peru
Artículo 17: Derecho a la tierra y **al aprovechamiento de los** otros recursos naturales

Paragraph 1

EU
1. Peasants and other ~~people~~ **persons** living in rural areas **should** have **access, ~~individually and collectively~~,** to the lands, water bodies, coastal seas, fisheries, pastures and forests that they need to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

Guatemala: **reservation to the whole article and the parts indicated in brackets.**
1. Los campesinos y otras personas que viven en zonas rurales tienen derecho[, individual y colectivamente,] a las tierras, las masas de agua, las aguas costeras, las pesquerías, los pastos y los bosques que necesitan para alcanzar un nivel de vida adecuado, tener un lugar para vivir en seguridad, paz y dignidad y desarrollar su cultura.

Peru
1. Los campesinos y otras personas que viven en zonas rurales tienen derechos, individual y colectivamente, a las tierras **de su posesión o propiedad y al aprovechamiento de los recursos naturales en dichas tierras en el marco de las**

consideraciones previstas en sus legislaciones nacionales a fin de procurarse ~~, los enseres de agua, las aguas costeras, las pesquerías, los puertos y los bosques que necesitan para alcanzar~~ un nivel de vida adecuado, tener un lugar para vivir en seguridad, paz y dignidad y desarrollar su cultura.

Paragraph 4

EU

4. Peasants and other **people persons** working in rural areas have the right to be protected against arbitrary displacement from their land or place of habitual residence, or from other natural resources used in their activities and necessary for the enjoyment of adequate living conditions. States shall incorporate protections against displacement into domestic legislation that are consistent with international human rights and humanitarian law standards. States shall prohibit forced eviction, the demolition of houses, the destruction of agricultural areas and the arbitrary confiscation or expropriation of land and other natural resources, including as a punitive measure or as a means or method of war.

Chaudhry, expert: additional paragraphs

4 (bis) **Adequate and human rights-based impact assessments must be conducted before any project requiring the acquisition of land is sanctioned.**

4 (ter) **'Public purpose' must be defined as that which results in the improved welfare and wellbeing of all, including the communities from whom land is being acquired.**

4 (quarter) **Land of equal or commensurate quality and value must be provided to each affected family, irrespective of the tenure status they possess.**

4 (quinquies) **The full free and prior informed consent of affected communities must be taken before acquiring land for any public purpose project.**

4 (sexies) **All land acquisition laws must adhere to international human rights standards and norms and must ensure the protection of human rights of peasants and other people working in rural areas, in compliance with this declaration.**

Paragraph 9

EU

9. Peasants and other **people persons** working in rural areas have the right, ~~individually or collectively~~, to return to the land and to have restored their access to the natural resources used in their activities and necessary for the enjoyment of adequate living conditions, of which they were arbitrarily or unlawfully deprived, or to receive just and fair compensation when their return is not possible. States shall take measures to restore access to land and other natural resources to those peasants and other people working in rural areas that have been displaced by natural disasters and/or armed conflict.

Guatemala: **reservation**

9. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho[, individual o colectivamente,] a regresar a la tierra y a que se les devuelva el acceso a los recursos naturales utilizados en sus actividades y necesarios para el disfrute de condiciones de vida adecuadas, y de los que hayan sido privados arbitraria o ilegalmente, o a recibir una indemnización justa y equitativa cuando no sea posible su regreso. Los Estados adoptarán medidas para restablecer el acceso a la tierra y a otros recursos naturales a los campesinos y otras personas que trabajan en las zonas rurales que hayan sido desplazados a causa de desastres naturales o conflictos armados.

LVC

9. Les paysans et les autres personnes travaillant dans les zones rurales ont le droit, individuellement ou collectivement, de revenir sur les terres et d'accéder de nouveau aux ressources naturelles qu'ils utilisent dans leurs activités et nécessaires pour jouir de conditions de vie adéquates, dont ils ont été arbitrairement ou illégalement privés, ou de recevoir une indemnisation juste et équitable si leur retour n'est pas possible. Les États prendront des mesures pour permettre aux paysans et aux autres personnes travaillant dans les zones rurales qui ont été déplacés suite **à un besoin de réalisation de projet d'intérêt**

public ou privé, à une catastrophe naturelle et/ou à un conflit armé d'avoir accès à nouveau à leurs terres et autres ressources naturelles, **ou à des terres et ressources naturelles de valeur agronomique équivalente que ce qu'ils ont perdu, ainsi qu'une indemnisation juste et équitable pour les travaux indispensables à la reprise des activités agricoles ou de recevoir une indemnisation juste et équitable si leur retour n'est pas possible, ou de recevoir une indemnisation juste et équitable si leur retour n'est pas possible**.

Chaudhry, expert

5. Peasants and other people working in rural areas have the right, individually or collectively, to return to the land and to have restored their access to the natural resources used in their activities and necessary for the enjoyment of adequate living conditions, of which they were arbitrarily or unlawfully deprived, or to receive just and fair compensation, **based on international guidelines and standards**, when their return is not possible. States shall take measures to restore access to land and other natural resources to those peasants and other people working in rural areas that have been displaced by natural disasters and/or armed conflict as well as **development/infrastructure/public purpose projects.**

Paragraph 6

EU

6. States ~~shall carry out~~ **can decide to implement, when appropriate**, redistributive agrarian reforms in order to facilitate broad and equitable access to land and other natural resources used in their activities and necessary for the enjoyment of adequate living conditions, particularly to young people and landless persons, and to promote inclusive rural development. Redistributive reforms must guarantee equal access of men and women to land, fisheries and forests, and shall limit excessive concentration and control of land, taking into account its social function. Landless peasants, small-scale fishers and other rural workers should be given priority in the allocation of public lands, fisheries and forests.

Guatemala: **reservation**

6. [Los Estados llevarán a cabo reformas agrarias redistributivas para facilitar el acceso amplio y equitativo a la tierra y otros recursos naturales utilizados en sus actividades y necesarios para disfrutar de condiciones de vida adecuadas, en particular de los jóvenes y las personas sin tierra, y para promover un desarrollo rural inclusivo. Las reformas redistributivas deben garantizar a hombres y mujeres el acceso a la tierra, las pesquerías y los bosques en condiciones de igualdad, y limitar la concentración y el control excesivos de la tierra, teniendo en cuenta su función social. Debe darse prioridad a los campesinos y otros trabajadores rurales sin tierras y a los pequeños pescadores en la asignación de tierras, pesquerías y bosques de titularidad pública.]

ROK

6. States **shall introduce domestic legislation** ~~shall carry out redistributive agrarian reforms~~ in order to facilitate broad and equitable access to land and other natural resources used in their activities and necessary for the enjoyment of adequate living conditions, particularly to young people and landless persons, and to promote inclusive rural development. **State should** ~~Redistributive reforms must~~ guarantee equal access of men and women to land, fisheries and forests, and shall limit excessive concentration and control of land, taking into account its social function. Landless peasants, small-scale fishers and other rural workers should be given priority **to access to** ~~in the allocation of~~ public lands, fisheries and forests.

Chaudhry, expert

6. States shall carry out **human rights-based** redistributive agrarian reforms in order to facilitate broad and equitable access to land and other natural resources used in their activities and necessary for the enjoyment of adequate living conditions, particularly to **women,** young people and landless persons, and to promote inclusive rural development. Redistributive reforms must guarantee equal access of men and women to land, fisheries and forests, and shall limit excessive concentration and control of land, taking into account its social function. **Historically discriminated groups and communities,** Landless peasants, small-scale fishers and other rural workers **and women** should be given priority in the allocation of public lands, fisheries and forests.

Article 18. Right to a safe, clean and healthy environment

EU

Article 18. ~~Right~~ **Access** to a safe, clean and healthy environment

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas ~~have the right~~ **should have access** to a safe, clean and healthy environment.

Switzerland

1. ~~Les paysans et les autres personnes travaillant dans les zones rurales ont droit à un environnement sûr, propre et sain~~. Les États adopteront un cadre normatif efficace pour assurer la jouissance d'un environnement sûr, propre, sain et durable, y compris pour ce qui est de la biodiversité et des écosystèmes.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas have the right to **contribute to** the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall protect that right and take appropriate measures to ensure its full realization for peasants and other people working in rural areas, without discrimination.

Guatemala: **reservation**

2. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a la conservación y protección del medio ambiente y de la capacidad productiva de sus tierras [o territorios y recursos]. Los Estados protegerán ese derecho y adoptarán las medidas apropiadas para garantizar su plena efectividad a los campesinos y otras personas que trabajan en las zonas rurales, sin discriminación.

Golay, expert

2. Peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources **that they use, manage and control**. States shall protect that right and take appropriate measures to ensure its full realization for peasants and other people working in rural areas, without discrimination.

Paragraph 3

EU

3. States shall comply with their international obligations to combat climate change. Peasants and other ~~people~~ **persons** working in rural areas have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge.

Paragraph 4

EU

4. States shall ~~take effective measures~~ **comply with their international obligations** to ensure that no hazardous ~~materials~~ **wastes** or substances are stored or disposed of on the land or territories of peasants and other ~~people~~ **persons** working in rural areas ~~without their free, prior and informed consent~~, and shall cooperate to address the threats to the enjoyment of their rights that result from transboundary environmental harm.

Guatemala: **reservation**

4. Los Estados adoptarán medidas eficaces para garantizar que no se almacenen sustancias o materiales peligrosos ni se viertan en las tierras o territorios de los campesinos y de otras personas que trabajan en las zonas rurales sin su [consentimiento libre, previo e informado] y cooperarán para hacer frente a las amenazas al disfrute de sus derechos resultantes de los daños ambientales transfronterizos.

LVC

4. States shall take effective measures to ensure that no hazardous materials or substances, **weapons and ammunitions that could affect biodiversity and the safe or productive use of land,** are stored or disposed of on the land or territories of peasants and other people working in rural areas without their free, prior and informed consent, and shall cooperate to address the threats to the enjoyment of their rights that result from transboundary environmental harm **and to enforce the responsibility of polluter to restore**.

Paragraph 5

EU

5. States shall protect peasants and other ~~people~~ **persons** working in rural areas against abuses by non-State actors, including by enforcing environmental laws that contribute, directly or indirectly, to the protection of the rights of peasants or other people working in rural areas.

Article 19. Right to seeds

Peru, comment

<Debe especificarse que deben excluirse del ámbito de regulación de este artículo las especias alimenticias y forrajes incluidos en el anexo I del Tratado Internacional sobre los Recursos Filogenéticos para la Alimentación y la Agricultura.>

RIDH, comment

<Este artículo se refiere al derecho a las semillas; es necesario ampliar el concepto e incluir el derecho a la riqueza zoogenética.>

EU

Article 19. ~~Right~~ **Access** to seeds

BESH

Article 19: Right to seeds **and to breeds**

RIDH

Artículo 19: Derecho a ~~las semillas~~ **la riqueza genética**

Guatemala: reservation to the whole article

Switzerland: Replace the whole article with article 9 of ITPRGFA

1. **States shall recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world.**

2. **States shall agree that the responsibility for realizing Farmers' Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights, including:**

a) **protection of traditional knowledge relevant to plant genetic resources for food and agriculture;**

b) **the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture; and**

c) **the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.**

3. **Nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate.**

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas should have ~~the right~~ **access** to seeds, including:

Chile

1. Peasants and other people working in rural areas have ~~the right~~ **access** to seeds **subject to national legislation**, including:

Subparagraph (a)

EU: delete 1 (a)

(a) {The right to the protection of traditional knowledge relevant to plant genetic resources for food and agriculture;}

Subparagraph (d)

ROK

(d) The right to save, use, exchange and sell farm-saved seed or propagating material, **in accordance with domestic and international regulations and obligations**.

Peru

(d) El derecho a conservar, utilizar, intercambiar y vender semillas o material de multiplicación **cuando sean actividades realizadas entre ellos mismos y para su propio consumo en el territorio de su país de origen y estén basadas en las prácticas tradicionales y usos del lugar** ~~conservados en las explotaciones agrícolas~~.

LVC

(d) Le droit de conserver, d'utiliser, d'échanger et de vendre **leurs** ~~des~~ semences de ferme ou **leur** ~~du~~ matériel de multiplication.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas ~~have the right~~ **should be able** to maintain, control, protect and develop their seeds and traditional knowledge.

Paragraph 3

EU: delete paragraph 3

3. {States shall respect, protect and fulfil the: right to seeds, and recognize it in their national legislation.}

Paragraph 7

EU

7. States shall ensure that agricultural research and development ~~is oriented towards~~ **duly takes into account** the needs of peasants and other ~~people~~ **persons** working in rural areas; they shall ensure their active participation in the definition of priorities and the undertaking of research and development, take into account their experience, and increase investment into research and development of orphan crops and seeds that respond to the needs of peasants and other ~~people~~ **persons** working in rural areas.

Paragraph 8

EU

8. States shall ensure that seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws respect the rights of peasants, ~~in particular the right to seeds,~~ and take into account their needs and realities.

CETIM : additional paragraphs

8 (bis) **Les États doivent appuyer/soutenir les banques de semences paysannes, les conservations *in situ* et le développement des semences paysannes.**

8 (ter) **Les États doivent prendre des mesures pour réglementer les activités des acteurs non-étatiques tels que les sociétés transnationales agroalimentaires.**

Article 20. Right to biological diversity

EU
Article 20. ~~Right to~~ **B**iological diversity

Switzerland, comment
<De l'avis de ma délégation, quelques éléments des articles 20 et 26 sont répétitifs. Par ailleurs on constate que les concepts des « savoirs traditionnels associés » et de « savoir traditionnel » sont parfois utilisé de manière inconsistante dans le texte relatif à d'autres instruments négociés dans d'autres fora des Nations Unies.

La Suisse propose de prendre comme base de discussion l'article 9.2.a du Traité international sur les ressources phytogénétiques pour l'alimentation et l'agriculture qui décrit « le droit de participer équitablement au partage des avantages découlant de l'utilisation des ressources phytogénétiques pour l'alimentation et l'agriculture ».>

Geneva Academy, comment
< - Peasants' rights to save, exchange, donate, sell, use and reuse farm-saved seeds of peasants' varieties, and to maintain, control, protect and develop these seeds and property over these seeds (and states obligations to protect these rights in their national laws)

- States' obligations to respect, protect and promote peasant seed systems

- States' obligation to support research and development that contribute to the full realization of peasants' right to seeds, including by ensuring the active participation of peasants in research and development, and by investing more into research on and development of orphan crops and seeds that respond to the needs of peasants in developing countries

- Peasants' rights to save, use, exchange and sell at local level (but not commercialize) farm-saved seeds of varieties protected by intellectual property rights.>

Paragraph 1

EU
1. Peasants and other ~~people~~ **persons** working in rural areas have the right, ~~individually or collectively,~~ to conserve, maintain and sustainably use and develop biological diversity and associated knowledge, including in agriculture, fishing and livestock. They also have the right to maintain their traditional agrarian, pastoral and agroecological systems upon which their subsistence and the renewal of agricultural biodiversity depend.

Guatemala: **reservation**
1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho[, a título individual o colectivo,] a conservar, mantener y desarrollar y utilizar de manera sostenible la diversidad biológica y los conocimientos conexos, en particular en la agricultura, la pesca y la ganadería. También tienen derecho a mantener sus sistemas tradicionales de agricultura, pastoreo y agroecología de los que dependen su subsistencia y la renovación de la biodiversidad agrícola.

Switzerland
1. Les paysans et les autres personnes travaillant dans les zones rurales ont le droit, individuellement ou collectivement, de préserver, de maintenir et d'utiliser et de développer durablement la diversité biologique et les savoirs connexes, touchant notamment à l'agriculture, **à la foresterie,** à la pêche et à l'élevage. Ils ont aussi le droit de perpétuer leurs systèmes agraires, pastoraux et agroécologiques traditionnels, dont dépendent leur subsistance et le renouvellement de la biodiversité agricole.

Peru

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho, a título individual o colectivo, a conservar, mantener y desarrollar y utilizar de manera sostenible la diversidad biológica y los conocimientos conexos, en particular en la agricultura, la pesca y la ganadería. También tienen derecho a mantener sus sistemas tradicionales de agricultura, pastoreo y agroecología de los que dependen su subsistencia y la renovación de la biodiversidad agrícola, **y a la conservación de los ecosistemas en que estos procesos se desarrollan**.

WFFP

1. Peasants and other people working in rural areas have the right, individually or collectively, to conserve, maintain and sustainably use and develop biological diversity and associated knowledge, including in agriculture, fishing and livestock. They also have the right to maintain their traditional agrarian, pastoral and agroecological systems upon which their subsistence and the renewal of ~~agricultural~~ biodiversity depend.

Chaudhry, expert

1. Peasants and other people working in rural areas have the right, individually or collectively, to conserve, maintain and sustainably use and develop biological diversity and associated knowledge, including in agriculture, fishing, **forestry,** and livestock. They also have the right to maintain their traditional agrarian, pastoral and agroecological systems upon which their subsistence and the renewal of agricultural biodiversity depend.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas have the right to protect their associated traditional knowledge, innovation and practices relevant to the conservation and sustainable use of biological diversity.

Paragraph 3

EU: **delete paragraph 3**

3. {States shall take appropriate measures, in compliance with their obligations under relevant international agreements, to prevent the depletion and ensure the conservation and sustainable use of biodiversity and genetic resources, and for the protection and promotion of relevant traditional knowledge of peasants and other people working in rural areas, and their equitable participation in benefit-sharing arising from the use of these resources.}

LVC

3. Les États prendront les mesures requises, dans le respect des obligations leur incombant en vertu des accords internationaux pertinents **concernant les droits humains**, pour prévenir l'épuisement et assurer la préservation et l'utilisation durable de la diversité biologique et des ressources génétiques et pour assurer la protection et la promotion des savoirs traditionnels pertinents des paysans et des autres personnes travaillant dans les zones rurales ainsi que la participation équitable de ceux-ci à la répartition des avantages découlant de l'usage de ces ressources.

Paragraph 4

EU

4. States shall regulate, prevent and reduce risks of violation of the rights of peasants and other ~~people~~ **persons** working in rural areas arising from the development, handling, transport, use, transfer or release of any living modified organisms.

LVC

4. Les États réglementeront, préviendront et ~~réduiront~~ **éviterons** les risques de violation des droits des paysans et des autres personnes travaillant dans les zones rurales inhérents au développement, à la manipulation, au transport, à l'utilisation, au transfert ou à l'introduction de tout organisme vivant modifié.

Chaudhry, expert: additional paragraph

4 (bis) **States should help prevent 'biopiracy' and take measures to protect traditional knowledge and plant genetic resources/biodiversity from being appropriated and misused for profit by companies, especially through the process of obtaining patents on indigenous and local knowledge of peasants and other people working in rural areas.**

Article 21. Rights to water and to sanitation

Switzerland
Article 21 : ~~Droit~~ **Droits** à l'eau **potable** et à l'assainissement

Guatemala: **reservation to the whole article and the parts indicated in brackets**

Paragraph 1

EU
1. Peasants and other ~~people~~ **persons** working in rural areas have the human rights to safe and clean drinking water and to sanitation, which are essential for the full enjoyment of life and all human rights. They also have the right to water supply systems and sanitation facilities that are of good quality, affordable and physically accessible, and non-discriminatory and acceptable in cultural and gender terms.

South Africa
1. Peasants and other people working in rural areas have the human rights to safe and clean drinking water and to sanitation, which are essential for the full enjoyment of life, ~~and~~ all human rights**, and human dignity**. They also have the right to water supply systems and sanitation facilities that are of good quality, affordable and physically accessible, and non-discriminatory and acceptable in cultural and gender terms.

Paragraph 2

EU
2. Peasants and other ~~people~~ **persons** working in rural areas have the right to water for farming, fishing and livestock ~~people~~ **persons** and to securing other water-related livelihoods. They have the right to equitable access to water and water management systems, and to be free from arbitrary disconnections or the contamination of water supplies.

Peru
2. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho al **aprovechamiento del** agua para la agricultura, la pesca y la ganadería y a asegurar otros medios de subsistencia relacionados con el agua. Tienen derecho a un acceso equitativo al agua y a los sistemas de gestión de los recursos hídricos, y a no sufrir cortes arbitrarios o contaminación del suministro.

ILO and IUF
2. Peasants and other people working in rural areas have the right to water for farming, fishing and livestock keeping and to securing other water-related livelihoods. They have the right to equitable access to water and water management systems, and to be free from arbitrary disconnections or the contamination of water supplies. **Rural workers have the right to free, potable water at their place of work.**

Chaudhry, expert
2. Peasants and other people working in rural areas have the right to water for farming, fishing and livestock keeping and to securing other water-related livelihoods. They have the right to equitable access to water and water management systems, and to be free from arbitrary disconnections, **privatization of their water resources**, or the contamination of water supplies.

Paragraph 3

EU

3. States shall respect, protect and ensure access to water, including in customary and community-based water management systems, on a non-discriminatory basis, and shall take measures to **endeavour to** guarantee affordable water for personal, domestic and productive uses, and improved sanitation, in particular for **persons belonging to** disadvantaged or marginalized groups, such as nomadic pastoralists, workers on plantations, migrants, regardless of their legal status **and as defined by national legislation**, and persons living in irregular or informal settlements.

Switzerland

3. Les États respecteront, protégeront et garantiront l'accès à l'eau, y compris dans les systèmes coutumiers et communautaires de gestion de l'eau, sur une base non discriminatoire, et ils prendront des mesures pour garantir l'accès à un coût abordable à l'eau à des fins personnelles, domestiques et productives, et à des installations d'assainissement améliorées, notamment pour les groupes défavorisés ou marginalisés, comme les éleveurs nomades, les travailleurs des plantations, les migrants sans considération de leur statut juridique, et les personnes vivant dans des zones d'habitation informelles ou illégales. **Les États promouvront des technologies appropriées et à un coût abordable, notamment des technologies d'irrigation, de réutilisation des eaux usées traitées, et de collecte et de stockage de l'eau.**

Chaudhry, expert

3 .States shall respect, protect and ensure access to water, including in customary and community-based water management systems, on a non-discriminatory basis, and shall take measures to guarantee affordable water for personal, domestic and productive uses, and improved sanitation, in particular for disadvantaged or marginalized groups, such as nomadic pastoralists, workers on **farms, forests, fisheries, and** plantations, **landless persons,** migrants, regardless of their legal status, and persons living in irregular or informal settlements. **Special measures should be taken to respect, protect, and fulfil the rights to adequate water and sanitation for rural women and girls, including at places of work and education**

Paragraph 4

Switzerland

4. States shall **protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes** ~~protect and ensure the regeneration of natural water resources, watersheds, aquifers and surface water sources, including wetlands, ponds, lakes, rivers and streams~~, from overuse and contamination by harmful substances, in particular by industrial effluent and concentrated minerals and chemicals that result in slow and fast poisoning.

Paragraph 5

EU

5. States shall prevent third parties from impairing the enjoyment of the right to water of peasants and other ~~people~~ **persons** living in rural areas. States shall prioritize water use for human needs, small-scale food production, ecosystem needs and cultural use before other uses.

Guatemala: **reservation**

5. [Los Estados impedirán a terceros que menoscaben el disfrute del derecho al agua de los campesinos y otras personas que viven en las zonas rurales. Darán prioridad al uso del agua para atender a las necesidades humanas, para la producción de alimentos en pequeña escala, para las necesidades de los ecosistemas y para usos culturales.]

Chaudhry, expert

5. States shall prevent third parties from impairing the enjoyment of the right to water of peasants and other people living in rural areas, **including by diversion of water resources/bodies and their commercial exploitation**. States shall prioritize water use for human needs, small-scale food production, ecosystem needs and cultural use before other uses **and respect customary rights to water resources, including coastal areas and rivers.**

5 (bis) **States shall take measures to protect the rights of rural communities to disaster risk reduction and preparedness, including with regard to desertification and drought, which impact their rights to water and sanitation.**

Article 22. Right to social security

Paragraph 1

EU

1. Peasants and other **people persons** working in rural areas have the right to social security, including social insurance. They also have the right to enjoy fully all social security rights established under applicable international and domestic labour law.

Paragraph 2

EU

2. Migrant workers in rural areas shall, ~~regardless of their legal status~~, enjoy equality of treatment with regard to social security.

Panama **delete paragraph 2**

2. [Migrant workers in rural areas shall, regardless of their legal status, enjoy equality of treatment with regard to social security.]

ILO

2. Migrant workers in rural areas shall, regardless of their legal status, enjoy equality of treatment **with nationals** in social security.

Paragraph 3

EU

3. States shall recognize the rights of peasants and other **people persons** working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level.

ILO

3. States shall recognize the rights of peasants and other people working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or **strengthen** their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic [illegible] security, which together secure effective access to goods and services defined a[illegible]ssary at the national level.

Chaudhry, expert

3. States shall recognize the rights of peasants and other people, **including of women**, working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level.

Paragraph 4

ILO

4. Basic social security guarantees should be established by law. They should promote non-discrimination, be responsive to special needs and be socially inclusive and include workers in the informal economy. Impartial, transparent, effective, accessible and

effective grievance and appeal procedures should also be specified. Systems should be in place to enhance compliance with national legal frameworks.

Article 23. Right to health

EU

Article 23. Right of everyone to the enjoyment of the highest attainable standard of physical and mental ~~to~~ health

LVC

Article 23. Right to **adequate** health

Paragraph 1

EU

1. Peasants and other **people persons** working in rural areas have the right to the enjoyment of the highest attainable standard of physical and mental health. They also have the right to have access, without any discrimination, to all social and health services.

Chaudhry, expert

1. Peasants and other people working in rural areas have the right to the enjoyment of the highest ~~attainable~~ standard of physical and mental health. They have also the right to ~~have~~ access, without any discrimination, to all social and health services.

Paragraph 2

EU

2. Peasants and other **people persons** working in rural areas have the right to use and protect their traditional medicines and to maintain their health practices, including access to and conservation of their plants, animals and minerals for medicinal use.

Paragraph 3

EU

1. States shall guarantee access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for groups in vulnerable situations, access to essential medicines, immunization against major infectious diseases, reproductive health, information concerning the main health problems affecting the community, including methods of preventing and controlling them, maternal and child health care, as well as **decent working conditions and** training for health personnel, including education on health and human rights.

Chaudhry, expert

1. States shall guarantee access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for **women, children**, groups in vulnerable situations, access to essential medicines, immunization against major infectious **and chronic** diseases, reproductive health, information concerning the main health problems affecting the community, including methods of preventing and controlling them, maternal and child health care, as well as training for health personnel, including education on health, **gender**, and human rights.

Article 24. Right to adequate housing

Guatemala: **reservation to the whole article**

Paragraph 1

EU

1. Peasants and other **people persons** working in rural areas have the right to adequate housing. They have the right to sustain a secure home and community in which to live in peace and dignity.

South Africa

6. Peasants and other people working in rural areas have the right to adequate housing. They have the right to sustain a secure home and community in which to live in peace and dignity , **and the right to non-discrimination in this context**.

Chaudhry, report

6. Peasants and other people working in rural areas have the right to adequate housing, which is they have the right to sustain **a safe and** secure home and community in which to live in peace and dignity. **Adequate housing includes the elements of legal security of tenure, affordability, accessibility, appropriate location, habitability, availability of services, materials, facilities and infrastructure, and cultural adequacy. Adequate housing should also incorporate building standards to provide disaster-resistance.**

1 (bis) **States shall take measures to ensure that peasants and other people working in rural areas are provided with legal security of tenure over their homes and lands. Secure tenure titles should be provided in the names of women.**

Paragraph 2

EU

~~2.~~ 2. Peasants and other ~~people persons~~ working in rural areas have the right to be protected against forced eviction from their home, harassment and other threats.

Chaudhry, report

2. Peasants and other people working in rural areas have the right to be protected against the destruction/demolition of their homes as well as from forced eviction from their home, harassment, **displacement**, violence, **and** other threats. **States shall not, either temporarily or permanently, remove peasants or other people working in rural areas against their will from the homes or land that they occupy without providing or affording access to appropriate forms of legal or other protection.**

2 (bis) **States should focus on the upgrading of rural housing, with the active participation and full and free prior informed consent of peasants and other people living and working in rural areas to ensure the progressive realization of their human right to adequate housing.**

2 (ter) **When possible, the right of return of peasants and other people working in rural areas, will be protected and guaranteed by the state. This includes facilitating the return of displaced individuals and communities to their original habitats with security and dignity.**

Paragraph 3

EU

3. States shall not, either temporarily or permanently, remove peasants or other ~~people persons~~ working in rural areas against their will from the homes or land that they occupy without providing or affording access to appropriate forms of legal or other protection. When eviction is unavoidable, the State must provide or ensure fair and just compensation for any material or other losses.

Chaudhry, report

3. States shall not, either temporarily or permanently, remove peasants or other people working in rural areas against their will from the homes or land that they occupy without providing or affording access to appropriate forms of legal or other protection. When eviction is unavoidable, **in exceptional circumstances, for the well-being, welfare, or health of the individual or community**, the State must **follow due process as established by international guidelines and** provide or ensure fair and just compensation for **any both** material **and non-material** or other losses.

Paragraph 4

EU

4. In cases of eviction, States shall guarantee the right to resettlement of peasants and other ~~people persons~~ working in rural areas, which includes the right to alternative housing

that satisfies the criteria for adequacy, namely, accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to such essential rights as those to health, education and water.

LVC: new paragraphs

4 (bis) **Los Estados garantizarán alojamientos suficientes, adecuados y asequibles para los trabajadores temporeros que se desplacen en las diferentes campañas agrícolas. Estos alojamientos se localizarán fuera de los centros de trabajo, con servicios y transporte adecuados, sin ningún tipo de ingerencia o de control por parte de los empleadores, de manera a garantizar su intimidad, su libertad de desplazamiento y su libertad sindical.**

4 (ter) **In case of natural or environmental disasters, the seasonal, migrant and other rural workers and members of their families, should be provided support and access to emergency housing, regardless their migrant status or their place of residence.**

Chaudhry, expert

4. In cases of eviction, States shall guarantee the right to resettlement **and rehabilitation** of peasants and other people working in rural areas, **in accordance with existing international human rights standards**, ~~which~~. **This** includes the right to alternative housing that satisfies the criteria for adequacy, namely, accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, **and** access **to basic services and** essential rights such as those to health, **work/livelihood,** education, water, **and sanitation.**

Article 25. Right to education and training

Paragraph 1

EU

1. Peasants and other people **persons** working in rural areas have the right to education and training. ~~Education and training programmes for peasants and other people working in rural areas shall take into account their economic environment, social and cultural conditions and practical needs, and incorporate their histories, knowledge and value systems. They shall be developed and implemented in cooperation with peasants and other people working in rural areas.~~

Guatemala: reservation

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a la educación y la formación. Los programas de educación y formación para los campesinos y otras personas que trabajan en las zonas rurales tendrán en cuenta el entorno económico, las condiciones sociales y culturales y las necesidades prácticas de esas personas[, e incorporarán su historia, sus conocimientos y su sistema de valores]. Se elaborarán y se aplicarán en cooperación con los campesinos y otras personas que trabajan en las zonas rurales.

Switzerland

1. Peasants and other people working in rural areas have the right to education and training. Education and training programmes for peasants and other people working in rural areas shall take into account their economic environment, social and cultural conditions and practical needs, and incorporate their histories, knowledge and value systems. They shall be developed and implemented in cooperation with peasants and other people working in rural areas **and may be conceived as a contribution to SDG 4**.

ILO

1. Peasants and other people working in rural areas have the right to education and training. Education and training programmes for peasants and other people working in rural areas shall take into account their economic environment, social and cultural conditions and practical needs, and incorporate their histories, knowledge and value systems. They shall **uphold and promote the universal nature of human rights and** be developed and implemented in cooperation with peasants and other people working in rural areas.

Chaudhry, expert

1. Peasants and other people working in rural areas, **including women**, have the right to education and training. Education and training programmes for peasants and other people working in rural areas shall take into account their economic environment, social and cultural conditions and practical needs, and incorporate their histories, knowledge and value systems. They shall be developed and implemented in cooperation with peasants and other people working in rural areas.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas have the right to adequate training suited to the specific agroecological, sociocultural and economic environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing, and the ability to cope with pests, pathogens, system shocks, the effects of chemicals, climate change and weather-related events.

Chaudhry, expert

2. Peasants and other people working in rural areas have the right to adequate training suited to the specific agro-ecological, sociocultural and economic environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing, and the ability to cope with pests, pathogens, system shocks, the effects of chemicals, climate change, **disasters**, and weather-related events.

Paragraph 3

EU

3. Children of peasants and other ~~people~~ **persons** working in rural areas have the right to receive education in accordance with their culture, and with all the rights contained in human rights instruments.

ILO

3. **All** children of peasants and other people working in rural areas have the right to receive education in accordance with their culture and with all the rights contained in human rights instruments**, and to be free from child labour. All children have the right to complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes. They also should have access to quality early childhood development, care and pre-primary education so that they are ready for primary education**.

Chaudhry, expert

3. Children of peasants and other people working in rural areas have the right to receive education in accordance with their culture, and with all the rights contained in human rights instruments. **Special focus should be paid to girl children to ensure the guarantee of their equal right to education, including through the creation of safe and secure schools and study places.**

Paragraph 4

EU

4. States shall encourage equitable and participatory farmer-scientist partnerships, such as farmer field schools, participatory plant breeding, and plant and animal health clinics to respond more appropriately to the immediate and emerging challenges that peasants and other ~~people~~ **persons** working in rural areas face.

Article 26. Cultural rights and traditional knowledge

Guatemala: **reservation to the whole article and the parts indicated in brackets**

IE SH comment

"The question to us is not only to "avoid and eliminate discrimination upon traditional knowledge" as mentioned at the end of point 3, but to protect it."

Paragraph 1

EU

1. Peasants and other **people persons** working in rural areas have the right to enjoy their own culture and to pursue freely their cultural development, without interference or any form of discrimination. They also have the right to maintain, express, control, protect and develop their traditional knowledge, such as ways of life, methods of production or technology, or customs and tradition. No one may invoke cultural rights to infringe upon the human rights guaranteed by international law, nor to limit their scope.

Claeys, expert

1. Peasants and other people working in rural areas have the right to enjoy their own culture and to pursue freely their cultural development, without interference or any form of discrimination. They also have the right to maintain, express, control, protect and develop their traditional **and local** knowledge, ~~such as~~ ways of life, methods of production or technology, or customs and tradition. No one may invoke cultural rights to infringe upon the human rights guaranteed by international law, nor to limit their scope.

Paragraph 2

EU

2. Peasants and other **people persons** working in rural areas, ~~individually or collectively,~~ have the right to express their local customs, languages, culture, religions, literature and art, in conformity with international human rights standards.

Guatemala: **reservation**

2. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho [, a título individual y colectivo,] a expresar sus costumbres, idiomas, cultura, religiones, literatura y arte locales, de conformidad con las normas internacionales de derechos humanos.

Chaudhry, expert

2. Peasants and other people working in rural areas, individually or collectively, have the right to express their local customs, languages, culture, religions, literature and art, in ~~conformity with international human rights standards~~ **with respect to gender equality and non-discrimination**.

Paragraph 3

EU

3. States shall respect, and take measures to recognize and protect, the exercise of the above-mentioned rights, and eliminate discrimination against the traditional knowledge, practices and technologies of peasants and other **people persons** working in rural areas.

Article 27. Responsibility of the United Nations and of other international organizations

Paragraph 1

EU

1. The specialized agencies, funds and programmes of the United Nations system, and other intergovernmental organizations, including international and regional financial organizations, shall contribute to the full realization of the provisions of the present declaration, including through the mobilization of, inter alia, development assistance and cooperation. ~~Ways and means of ensuring the participation of peasants and other people working in rural areas on issues affecting them shall be established.~~

Guatemala: reservation

1. Los organismos especializados, fondos y programas del sistema de las Naciones Unidas y otras organizaciones intergubernamentales, [incluidas las organizaciones financieras internacionales y regionales,] contribuirán a la plena observancia de las disposiciones de la presente Declaración mediante la movilización, entre otras cosas, de la asistencia y la cooperación para el desarrollo. [Se establecerán los medios de asegurar la participación de los campesinos y otras personas que trabajan en las zonas rurales en los asuntos que les conciernan.]

Paragraph 2

Guatemala: reservation

2. Las Naciones Unidas y sus organismos especializados, fondos y programas[, y otras organizaciones intergubernamentales, incluidas las organizaciones financieras internacionales y regionales,] promoverán el respeto y la plena aplicación de las disposiciones de la presente Declaración y velarán por su eficacia.

LVC: new paragraph

2 bis. **The United Nations through its specialized agencies, shall monitor and report the status of the rights entailed in this declaration to the Human Rights Council on annual basis, the report should also clarify what steps have been taken by the United Nations and its specialized agencies to promote these rights.**

IHC: Additional article

27 (bis) **Nada de lo contenido en a presente Declaración se interpretará en el sentido de que menoscaba o suprime los derechos que, los campesinos, campesinas y otras personas y pueblos indígenas que trabajan en zonas rurales tienen en la actualidad o puedan adquirir en el futuro.**

Golay, expert: additional article (based on articles 45 and 46, 2 and 3 of UNDRIP)

27 (ter)

1. **Nothing in this Declaration may be construed as diminishing or extinguishing the rights peasants and other people working in rural areas have now or may acquire in the future.**

2. **In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.**

3. **The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, accountability and good faith.**

Annex IV

Additional explanations provided by experts

Overarching questions

Individually or in community:

The language of article 1(1), "alone or in association with others," may be used to replace "individually and collectively". Many civil, economic, social and cultural rights have collective dimensions. The language from CESCR general comment 21 whereby rights can be exercised "individually, in association with others and in a group" is another alternative that could be contemplated.

There are cases when these rights are realized collectively in a community, for example fishing and raising cattle. In general, farming is often collective. This recognition of collective rights is not new and features in the 2012 FAO Guidelines. Many constitutions in Latin America recognize collective rights. Legal mechanisms, such as class actions, have been established for their protection.

Addition of reference to "compliance with national legislation"

The United Nations Declaration on the Rights of Indigenous Peoples does not contain reference to compliance with national legislation. Rather, wording similar to that or article 46(3) of the Declaration could be added: "The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society."

Removal of references to "right"

Rights referred to in the draft declaration are rights that States have drafted and adopted. They are stated not in the context of a development agency. The proposed declaration is on the rights of peasants and other people working in rural areas. If the word is deleted, the very nature of entitlements to be recognized under law will be eliminated.

Preamble

Most international agreements include a chapter of definitions. It may be useful, in order to have a clear common understanding, to insert a definition of "food sovereignty".

Article 1

Definition of peasants:

The definition of "peasant" in the draft declaration is inspired by the work done by La Via Campesina and by States in the context of the 2012 CFS Voluntary Guidelines on the responsible governance of tenure of land, fisheries, forests in the contest of national food security. The definition emphasizes the relationship with land and environment as means of production. It includes activities that produce certain results which are not necessarily profitable. It embraces the possibility for peasants to self-identify.

The draft declaration concerns a particular activity that in the past might have not required protection. A parallel may be drawn to the activities of human rights defenders which are now protected by a specific Declaration.

International human rights law provides protection for groups in vulnerable situations, such as children, women, indigenous peoples and persons with disabilities. Peasants are in a particularly vulnerable situation.

The formulation in the text referring to "or" and not "and" provides for different possibilities.

Migrant and seasonal workers

The intention of the draft declaration is that aspirations should prevail over local legislation. As regards "legal status", those without legal status are particularly vulnerable. For example, people living slums without legal status on the land or the dwelling should still have right to water and sanitation. Enjoyment of rights is not linked to legal status of ownership.

Article 2

Obligations of States

Article 2, in its entirety, is based on existing law. The draft declaration, therefore, does not necessarily represent voluntary commitments only. Rather, it provides guidelines on the implementation of existing obligations that States for the specific case of peasants and other people working in rural areas. The typology of obligations features in many documents used by States. The progressive approach does not apply to obligations that are of immediate nature, such as the obligation not to evict.

Extra-territorial obligations

The recognition of human rights by the States in the UN Charter and the UDHR arose from the context of the Second World War where, as it is known, some States had impact outside their territories. Across the jurisprudence that is available nowadays, it is understood that extra-territorial obligations are applied within the scope States' jurisdiction, which is where they exercise control. This includes situations of occupation or protectorate as well as decisions that they are making within their territory that have an impact outside the territory which is foreseeable. It is also the case where States have such strong influence beyond the territory that they might have the ability to garner respect and ensure protection and implementation of human rights. This understanding of extraterritorial obligations is strongly supported in existing jurisprudence, in the practice of UN bodies, and in documents adopted by the Human Rights Council, such as the Guiding Principles on extreme poverty and human rights and the set of core principles and measures to address the human rights challenge in large-scale land acquisitions and leases. Extraterritorial obligations should be applied in a way that does not affect the sovereignty of States.

Free, prior and informed consent

"Free, prior and informed consent" is well established in international law and its implementation is confirmed through the jurisprudence of human rights treaty bodies as well as that of regional bodies. Consultations should be held in line with its objectives and the rights of minorities. It is a key element of people's right to participate in decisions that affect their lives, lands and livelihoods. Trends in international law and jurisprudence indicate that free, prior and informed consent applies to other groups beyond indigenous peoples as well. In the Rio Declaration of 1992, free, prior and informed consent applies to indigenous peoples and local communities.

Its practical application needs to be understood in a democratic framework. The "freedom" aspect of the principle is an important safeguard against coercion. As evidences show, consultation and cooperation in good faith offer protection against abuse of power and avert conflict.

Article 3

Collective rights

There are three types of collective rights: the rights of peoples (right to development, food sovereignty), the rights of local communities (biodiversity, use of forests, community irrigation systems, knowledge associated to seed systems, traditional medicine), and individual rights that are exercised collectively (collective bargaining, right of association). Collective right is also recognized in article 29 of the Universal Declaration of Human Rights. Groups may be discriminated against their collective identity.

Article 7

Freedom of movement

Freedom of movement is important for peasants for example for fishers, pastoralists, or shepherds who need to move from one area to another with their livestock. The difference in the freedom of movement enjoyed by large-scale fishers and industrial fisheries is noted in contrast with the worrying restrictions placed on small-scale fishers, who can often be criminalised. Paragraph 6.10 of the 2005 Voluntary Guidelines for securing sustainable small-scale fisheries recognises the role played by migrant fishers and the importance of their freedom of movement and asks States to cooperate on appropriate legal frameworks. It also states that cooperation agreements must be conducted in consultation with the small-scale fishers. Guideline 22 of the 2012 Guidelines on responsible governance of land tenure also calls on States to contribute to better understanding transboundary tenure. There is therefore an agreed language on this issue:.

Article 9

Impartiality

Support to peasants organizations should facilitate the exercise of rights. In case of conflicts as regards rights between the differing parties, States apply the constitutional principles of proportionality and rationality.

Article 10

Removal of reference to "right"

The right to participate is a clearly recognized right that is contained in documents drafted and adopted by States. The obligation to ensure meaningful, effective and informed participation is to help prevent States from manipulating consultative processes. The right to participation as a human right is fundamental to rule of law and to creating democratic governance. It is integrally linked to other rights such as freedom of assembly and of association as well as freedom of thought and expression.

Obligation to facilitate

The obligation to facilitate has been recognized in concluding observations of treaty bodies. It entails for instance putting in place institutional arrangements to provide legal assistance or to ensure that the specificities of rural areas or the languages spoken are accommodated.

Article 11

Certification mechanisms

The general aim of the proposed provision is to ensure that peasants can adapt to these certification standards. There are FAO studies indicating that agricultural agreements sometimes impose unattainable standards on peasants. There must be a right to ensure that

the certification systems do not stand in a way to access to market. Applying the same standards to different situations can lead to discrimination.

Language from a CFS recommendation on connecting small-holders to markets could be used in this regard: "promote rigorous protection of food safety through effective risk assessment leading to control systems that are appropriate for different scales, contexts and modes of production and marketing, while providing information and capacity building to meet these requirements".

Article 12

Assimilation and integration

These terms are relatively new but these are also new phenomena. When large infrastructure projects are implemented, peasants are often forced to leave their livelihoods and are pressurized to start other activities. Fishers have been obliged to become infrastructure workers. The objective of the provision is to ensure that peasants are not instrumentalised for the purpose of profit.

Specific support to peasants

Providing specific support to peasants is necessary to remedy the situation of injustice. Prioritizing groups in a marginalized or disadvantaged group is expressed in CESCR's general comment on non-discrimination and Guideline 13 of the 2012 FAO Voluntary Guidelines on the responsible governance of tenure which is specifically focused on vulnerable groups.

Article 13

Labour intensive production

The current trend is towards mechanization. The provision is necessary in the context of large number of people without decent work. ILO employment policy recommendation 122 calls on States to "promote more labour-intensive techniques, in circumstances where these will make for more efficient utilisation of available resources." It aiso refers to "more labour-intensive methods of cultivation, expansion of animal husbandry and the diversification of agricultural production".

Article 15

Food sovereignty

The concept of food sovereignty has emerged from the peasants movement and is different from food security. Food sovereignty embraces a degree of independence: one can decide what to produce. It does not challenge State sovereignty or control. The definition of the right to food sovereignty refers to socially just mechanisms, ecologically sensitive means of production, and the right to healthy food. The principle of cultural appropriateness is important as it relates to the right to decide what they can eat and how they produce their own food. The principle of ecologically sensitive agriculture is integral to realizing the targets of the Paris Agreement.

Right to culturally acceptable food

Cultural acceptability of food has been recognized in the definition of the right to food since the adoption of the general comment on the right to food by CESCR. The FAO Voluntary Guidelines on the right to food, adopted by States, also refers to the right to culturally acceptable food

Article 16

Right to decent income and livelihood and means of production

It has been recognized as a right at least for women in article 14 of CEDAW. Article 14 on rural women recognizes as a right several elements that are found in the proposed article 16. Guideline 8 on access to resources and assets of the FAO Voluntary Guidelines on the right to food also takes up numerous elements from that article.

Prices

Various national constitutions have relevant norms on price-setting (e.g. article 119 of the Constitution of Guatemala, article 39(c) of the Constitution of India, article 187 of the Constitution of Brazil) which would allow the kind of measure under article 16(3) to be considered, when read consistently with the obligations of States in relation to human rights. In case where constitutions stipulate that free market system prevails, they usually include safeguards allowing for exceptional measures in the market economy in order to support peasant enterprises. Wording could be considered to make it clear that States can adopt certain safeguards in price regulation and setting to guarantee that there is adequate income for peasants and small-scale producers in rural areas.

Article 17

Right to land

In colonial systems, the relationship between people and land was restricted by civil code and other regulations which was limited to the right to ownership and omitted other frameworks in particular the different relationships people have with land: the way they accede to it, use it and manage it as well as the way in which they use the benefits of the land. The declaration is a remarkable opportunity to recognize different forms of relationship with land, without denying the right to ownership. Certain jurisprudence extends its understanding of land ownership to traditional forms of tenure. The declaration ought to recognize what are objective and subjective entitlements. Other UN organizations have recognized this need.

Access to land is just one aspect of the issue. A most important element is security of tenure. The declaration cannot just be limited to access to land and ignore the issue of tenure, a vital aspect of the proposed wording. Recognizing the right to land would not cause new conflicts. It would provide with a legal framework for settling pre-existing conflicts between different communities.

Article 18

Right to the environment

The right to the environment is recognized in five times more constitutions that the right to food, while the latter is not questioned. Article 12 of the International Covenant on Economic, Social and Cultural Rights on the right to health refers to the improvement of all aspects of environmental and industrial hygiene. It is not a question of access, rather a right to healthy and cleaning environment. This is also the sense of the Protocol of San Salvador and other regional instruments.

Paragraph 2 could be reformulated as follows "peasants and other persons working in rural areas have the right to the conservation and protection of the environment and the productive capacity of the land and other natural resources that they use, manage and control".

Article 19

Right to seed

The proposed reference to "their seeds", that is the seeds that have been developed and improved by peasants over thousands of years of farming, could resolve a potential conflict by differentiating the traditional seeds system from the commercial seeds system. There must be recognition and respect for both types of seeds: the formal system of protected seed varieties through agreements such as TRIPS; and the traditional seeds system of peasants characterized by biodiversity on which improvements by farmers are based.

Article 9 of ITPGRFA

Proposed article 19 is compatible with ITPGRFA and other international instruments and the language is necessary to clarify doubts. Replacing article 19 with article 9 of ITPGRFA would be restrictive as this article includes issues referred to in many other sections of the Treaty and is also based on the Convention on Biological Diversity and its Nagoya Protocol. Annex 1 of the Treaty, which on the multilateral system for access and benefit-sharing contained in articles 10 to 15 of the Treaty, has no relation with article 9 on the rights of farmers.

Proposed deletion of 1(a) of the draft declaration

There has never been a problem with the recognition of the rights of farmers to their traditional knowledge throughout decades of negotiations at FAO. Traditional knowledge is basic and should be protected not only for producers but also for the humanity. It is contained in the Convention on Biological Diversity and UNESCO instruments.

Compatibility with intellectual property rights regime

A parallel could be made to the question of potential conflict between the recognition of the right to medicine as part of the right to health with intellectual property rights. The former Commission on Human Rights affirmed unconditionally the right to medicine as part of the right to health. Conciliation between these rights took place outside the human rights forum with the WTO Doha Declaration which allows for the production of generic medicines and their export.

Article 20

Right to biodiversity

There are many legislations at national and regional levels that recognize the right of communities to biological resources. There is no dichotomy between the recognition of these rights in the declaration and the international conventions to which States may be members. It is not an issue of access but the right to use the resources to which their knowledge is associated. It has important consequences in terms of conservation and preservation of resources.

Associated traditional knowledge

Beyond saving and protecting plants, the protection of the methods developed throughout centuries by communities for their use is absolutely vital. It is not a question of patenting it. It is about protecting local communities from the patents of people coming from outside that may prevent their local use.

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Reports of the Human Rights Council Advisory Committee on its eighteenth and nineteenth sessions

Note by the Secretariat

1. In accordance with paragraph 36 of the annex to Human Rights Council resolution 16/21, the annual report of the Human Rights Council Advisory Committee, consisting of the reports of the Committee on its eighteenth (20-24 February 2017) and nineteenth (7-11 August 2017) sessions, will be considered by the Council at its thirty-sixth session, and will be the subject of an interactive dialogue with the Chair of the Committee.

2. The report of the Advisory Committee on its eighteenth session is contained in document A/HRC/AC/18/2.

3. The report of the Advisory Committee on its nineteenth session, which will be contained in document A/HRC/AC/19/2, will be made available to the Human Rights Council once it has been finalized.

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